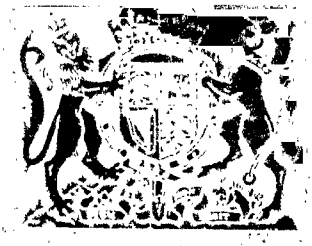

BENGAL LEGISLATIVE ASSEMBLY
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Assembly Proceedings

Official Report

engal Legislative Assembly

Second Session, 1937

8th, 9th, 10th, 11th, 13th, 14th, 15th, 16th,
20th, 21st, 22nd, 23rd, 24th, 25th, 27th
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Corrigendum to the Proceedings of the Bengal Legislative Assembly, Volume LI—No. 1.

245.—Last line for the words "Mr. Idris Ahmed Mia addressed the House in Bengali," *substitute* the following, namely:—

Maulvi IDRIS AHMED MIA addressed the House in Bengali, an English translation of a precis of his speech is as follows:—

"Representing as we do the poor peasants and tenants of Bengal almost dead from want of food and education, we have been badly disappointed by the Bengal Government's budget figures. Since 1st April, 1937, we have obtained provincial autonomy and the right to spend the Government revenue for the comforts and convenience of our countrymen. Out of 250 members returned by the votes of the poor tenants, 11 have been appointed Ministers to carry on administration under the direction of the 250 members. This is all very good. But will tall talks and assurances by the fat-salaried Ministers and members appease the hunger of the poverty-stricken tenants? Will arrangement for education be made? Will there be remedies for diseases? Out of the total income of Rs. 12 crores and 55 lakhs how much has been budgeted for primary education and public health? It appears that sums of Rs. 5,200 for Government primary schools, Rs. 3,20,800 for grants-in-aid to private primary schools and Rs. 24,11,200 for District Boards and other local institutions to help the cause of primary education have been budgeted. Of what avail will it be to launch this rotten *dinghy* of primary education on the vast ocean of illiteracy? Hon'ble Mr. Nalini Ranjan Sarker said that the people of the country must any how be raised from the deep abyss of poverty and illiteracy. That is very good. And when he said that bigger sums had been allotted to primary education, we literally danced with joy. But on a comparison we find that last year's figures on this head have been exceeded by Rs. 78,644 only. Is this an adequate arrangement for primary education? Is this the first specimen of the first step leading to the freedom of the country? Why has not a larger sum of money been allotted in order to give some relief to the poor teachers who are serving in primary schools that enjoy a grant of Rs. 1-8 or Rs. 2 from the District Boards? What does it mean that no aid will be granted to the existing primary schools until compulsory free primary education is introduced throughout the whole province? Is even the sick diet of the dying patient to be stopped on the plea that on recovery he will be treated to *pilau* and other rich dishes? Bengal Government's financial condition is quite satisfactory. His Excellency the Viceroy has very kindly remitted their debt to the Government of India to the extent of Rs. 8 crores and 41 lakhs while the income from the jute duty has increased by Rs. 45 lakhs. But the extent of expenditure on unimportant items does not appear to be inconsiderable. At a time when prison-houses will perhaps have to be broken down a sum of Rs. 4 lakhs and a half has been earmarked for building a jail at Dum Dum. Sums have been budgeted for the extension of the High Court lift, latrines, servants' quarters, etc. The poor tenants and peasants of Bengal grow jute with great hardship and difficulty and are about to die as a result of all this. Would the money received on account of export duty on that jute be considered as wasted if, instead of being spent on these unnecessary heads, it were spent on the education and health of these peasants and tenants? As for myself, I cannot listen to the plea—although many are doing so—that the budget was prepared in great haste. If the interests of the poor are neglected in this way, no body will any more believe in these words."

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IE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Second Session.)

Volume LI—No. 4.

ceedings of the Bengal Legislative Assembly assembled ıder the provisions of the Government of India Act, 1935.

'HE ASSEMBLY met in the Assembly House, Calcutta, on .nesday, the 8th September, 1937, at 3-45 p.m.

Present:

ſr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) ıe Chair, eleven Hon'ble Ministers and 217 members.

STARRED QUESTIONS

(to which oral answers were given)

Prosecution under the Indian Forest Act in Chittagong.

103. Al-Haj Maulana Dr. SANAULLAH: (*a*) Will the Hon'ble ister in charge of the Forest and Excise Department kindly state t is the annual number of (*i*) successful and (*ii*) unsuccessful prosecu- ı for offences under the Indian Forest Act, 1927, and the Rules and ılations made thereunder in the district of Chittagong for the years , 1931, 1932, 1933, 1934, 1935, 1936 and the half-year of 1937?

ɔ) What is the annual amount of reward given to (*i*) private infor- :s, (*ii*) forest guards and (*iii*) others in those years in this connec- ›

:) How many of these offenders are (*i*) males, (*ii*) females, (*iii*) .us, (*iv*) Muslims, (*v*) Buddhists, (*vi*) young men below 20 and (*vii*) ıen above 60 in each year?

l) How many of these offences were committed in Sadar A, B and s Bazar subdivisions in each year?

ɜ) What is the number of prosecutions in the police-stations of (*i*) ıazari, (*ii*) Fatickcheri and (*iii*) Raozan, year by year?

MINISTER in charge of FOREST and EXCISE DEPARTMEN (the Hon'ble Mr. Prasanna Deb Raikat): Government have tried collect the desired information, but have not yet been able to do so.

Mr. NIHARENDU DUTTA MAZUMDAR: How long will t Government take to supply all these answers?

The Hon'ble Mr. PRASANNA DEB RAIKAT: It is a very ha task to get all the details. It will take sometime but I cannot gi any definite idea as to the time it will take to collect the informatic required.

Al-Haj Maulana Dr. SANAULLAH: Does the Hon'ble Minist propose to supply the answers in the near future?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Yes, as soon as is ready.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the answe that it is a very hard task, does the Hon'ble Minister feel himself con petent to carry out that task?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I think it does n arise.

Assembly Manual.

***104. Mr. DEBI PROSAD KHAITAN:** (*a*) Is the Hon'ble Ministe in charge of the Home (Constitution and Election) Department awar of the inconvenience felt by the members of the Legislature in th absence of a Manual containing in a compact form the Government o India Act, Instrument of Instructions to the Governor, Orders issued by His Majesty in Council and the various Rules and Orders including the Fundamental Rules issued from time to time?

(*b*) Is the Hon'ble Minister considering the desirability of issuing a an early date a Manual of the nature indicated in the above question?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): A Manual of this nature is now being compiled and I hope that copies of the first two volumes will shortly be in the hands of hon'ble members. It is proposed to include the Rules of Procedure of both Houses in a third volume, the publication of which can therefore be expected when these rules have been made. The manual will not reproduce the Fundamental Rules.

Landlords' transfer fee.

105. Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister in ge of the Revenue Department be pleased to lay on the table an ıustive statement of—

(*a*) the amount of landlords' transfer fee deposited in the Collectorate of Mymensingh in the years 1929, 1930, 1935 and 1936 separately;

(*b*) the amount of transmission fee in each of those years in Mymensingh that were realised; and

(*c*) the total amount of landlords' transfer fee that were realised in all the districts in Bengal in each year from the 1st January, 1929, to the 31st December, 1936?

IINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Bijoy Prasad Singh Roy): A statement is laid on the Library ².

Iaulvi ABDUL BARI: How much of the landlords' transfer-fee been withdrawn by zamindars and how much has been credited to rict Funds?

'he Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Bengal Public Service Commission Regulations.

106. Maulvi ABUL QUASEM: Will the Hon'ble Minister in charge .e Finance Department be pleased to state whether any regulations been framed under section 266, sub-section (*3*), of the Government dia Act, 1935, specifying the matters on which it shall not be neces- to consult the Public Service Commission under the aforesaid sub- ɔn.

INISTER in charge of FINANCE DEPARTMENT (the Hon'ble Nalini Ranjan Sarker): Yes, the member is referred to regula- 31 *et sequiter* of the Bengal Public Service Commission lations, 1937, issued in notification No. 3552F., dated the 1st , 1937, a copy of which has been placed on the Library table.

Detenu Mr. Tara Kishore Bardhan.

107. Mr. SYED AHMED KHAN: (*a*) Will the Hon'ble Minister ıarge of the Home (Special) Department state whether it is a hat Mr. Tara Kishore Bardhan of village Kharyala in the district ppera is being kept in detention since 1933?

(*b*) Is the Hon'ble Minister aware of the fact that during the year 1934-35 while Mr. Bardhan was in detention his Managing Agency of the Sylhet Doars Tea Company, Limited, as well as all his ancestral property were sold in execution of a decree passed in his absence?

(*c*) Is it a fact that while the aforesaid suit was pending, the said detenu, Mr. Bardhan, applied to the Government three or four times asking for temporary leave from detention for the purpose of looking after his legal interests and that the Government rejected all these applications?

(*d*) Is the Hon'ble Minister aware that as a result of this all the property and means of livelihood of the family of Mr. Bardhan were lost and his wife and daughter have become heavily involved in debt and difficulties?

(*e*) Is it a fact that the wife of Mr. Bardhan has been ailing for a long time necessitating expensive treatment?

(*f*) Is the Hon'ble Minister aware that the wife of the detenu submitted a petition to the Government in December last and sent a reminder in February, 1937, praying for a monthly allowance of Rs. 100 in place of the Rs. 70 a month and for a sum of Rs. 500 for her daughter's marriage which was to have taken place on the 4th March, 1937, but was postponed on account of her petition not having been granted?

(*g*) Will the Hon'ble Minister consider it desirable to grant her petition and fix her allowance at Rs. 100 per month and pay her a sum of Rs. 500 for her daughter's marriage and also a further sum to enable her to free herself from all liabilities incurred by the family since the detention of her husband?

(*h*) Will the Hon'ble Minister consider it desirable to take steps to adequately compensate the families of detenus for losses suffered on account of such detentions of the earning members of families?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes from the beginning of 1934.

(*b*), (*d*) and (*e*) I am not prepared to answer inquiries regarding the private affairs of the detenu.

(*c*) The detenu did not ask for leave to look after his affairs: he was granted leave in connection with his wife's illness.

(*f*) Government received such a petition, but are not aware that the marriage was postponed for the reasons stated.

(*g*) No.

(*h*) The attention of the hon'ble member is invited to section 12 of the Bengal Criminal Law Amendment Act, 1930.

Babu NAGENDRA NATH SEN: With reference to answer (*f*), what were the reasons for the postponement of the marriage?

The Hon'ble Khwaja Sir NAZIMUDDIN: The negotiations fell through.

Mr. NIHARENDU DUTT MAZUMDAR: Is it not a fact that the lady in question did send a telegram to Government asking for funds to defray the expenses of the marriage?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister please explain what he means by private affairs of detenus? Are we to understand that financial loss and deaths of parents are private affairs to which no answer is necessary?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, so far as some of the questions are concerned.

Mr. BIRENDRA NATH MAJUMDAR: Has the Hon'ble Minister made any enquiries with regard to (*d*) and (*e*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, enquiries have been made.

Mr. NIHARENDU DUTTA MAZUMDAR: Is it not a fact that, while asking for leave on account of the illness of his wife, a representation was also made to Government for adequate funds for her treatment and, if so, what was the reply to that representation?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the Hon'ble Minister's answer to (*g*), what are the reasons for not acceding to the request?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government considers Rs. 70 a suitable allowance.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the fact that the wife of the detenu has been ill for a long time entailing expensive treatment and also loss of property on account of his detention, does not the Hon'ble Minister think that Government ought to have allowed Rs. 100 per month for the treatment of the detenu's wife?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a matter of opinion.

Mr. BIRENDRA NATH MAJUMDAR: With regard to question (*b*), does the Hon'ble Minister know that the ancestral property of the detenu was sold in execution of a decree passed during his detention?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

SHORT-NOTICE STARRED QUESTIONS AND ANSWERS.

Post of Steward of the Medical College, Calcutta.

***107A. Maulvi AHMED ALI MRIDHA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the post of Steward of the Medical College, Calcutta, has not in the past been filled up by any Bengalee?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state what are the reasons?

(*c*) Is it a fact that there is a vacancy in the post of Steward now?

(*d*) If the answer to (*c*) is in the affirmative, is the Hon'ble Minister considering the desirability of filling up the vacancy by a Bengalee this time, preferably by a Mussalman?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) Except for short periods, the appointment has been always held by a domiciled European or Anglo-Indian.

(*b*) The Superintendent, Medical College Hospitals, who is the appointing authority, selected the candidate whom he considered most suitable.

(*c*) No.

(*d*) Does not arise.

Maulvi AHMED ALI MRIDHA: Has there been a vacancy within a very short time?

The Hon'ble Maulvi SYED NAUSHER ALI: Yes, Sir.

Mr. BIRENDRA NATH MAJUMDAR: Is there any bar to the appointment to the post of one who is not a European or Anglo-Indian?

The Hon'ble Maulvi SYED NAUSHER ALI: No, Sir.

Employees in the School of Tropical Medicines, Calcutta.

***107B. Maulvi AHMED ALI MRIDHA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the total number of employees in the School of Tropical Medicines, Calcutta;

(*ii*) the number of Hindu employees;

(*iii*) the number of Moslem employees; and

(*iv*) the number of employees who are neither Moslem nor Hindus?

(*b*) Is it a fact that there are three vacancies now in the School of Tropical Medicines which are going to be shortly filled up?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of filling up these vacancies by Moslems as the percentage of Moslem employees is much below the prescribed proportion?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) to (*iv*) A statement is laid on the table.

(*b*) Yes: there are three vacancies in the temporary establishment employed in connection with the Medicinal Plants and Food Poisons enquiry.

(*c*) The Director of the School of Tropical Medicine who is the appointing authority will give due consideration to the claims of Muhammadan candidates for these appointments.

Dr. NALINAKSHA SANYAL: Has the Government of Bengal any voice in making these appointments?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not quite sure.

Dr. NALINAKSHA SANYAL: Does the Government of Bengal contribute any money for the maintenance of this school?

The Hon'ble Maulvi SYED NAUSHER ALI: As far as I am aware a fairly large sum is spent by the Government of Bengal towards the maintenance of this school.

Statement referred to in the answer to clause (a) of starred question No. 107B

	School of Tropical Medicine.	Endowment Fund.	Carmichael Hospital.	Medicinal Plant and Food Poiso Enquiry Under the Imperial Ag cultural Resear Fund.
Non-Moslem and Non-Hindus ..	5	8	3	Nil.
Muhammadan ..	6	7	Nil	Nil.
Hindu ..	39	45	12	5 (temporar
	50	50	15	5-Total 130 (including 5 temporar posts).

*Includes 1 Hindu under the Mitra Scholarship Research Fund.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Number of detenus and political prisoners released.

94. Mr. SURENDRA MOHAN MAITRA: (*a*) Will the Hon'bl Minister in charge of the Home (Special) Department be pleased t state the number of detenus and political prisoners who have beer released since the 1st April, 1937—

(*i*) conditionally;

(*ii*) unconditionally;

(*iii*) with any allowance; and

(*iv*) without any allowance?

(*b*) Are Government contemplating to release them in the near future?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) Orders have been issued for the release of 125 detenus on conditions and of 329 unconditionally. No register of releases of terrorist convicts is maintained.

(*iii*) and (*iv*) Save in exceptional cases it has not hitherto been the practice to make any allowance to released detenus. Those who have completed a course of instruction under the detenu training scheme however have been provided with block and working capital which

ncludes an element corresponding to a substantial allowance for their naintenance. The policy of Government in regard to the grant of llowances to detenus now being released was announced in this House n the 9th August. In order to ascertain the exact number of persons o whom allowances have been made, it would be necessary to examine he papers relating to all those who have been released. Such an xamination would involve an undue expenditure of public funds.

(*b*) The attention of the hon'ble member is invited to the statenent I made in the Assembly on the 9th August last on this subject.

Maulvi ABDUL BARI: With respect to question (*a*) (*i*), how nany of these detenus belonged to the Berhampur Detention Camp?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dacca Municipality.

95. Mr. BIRENDRA NATH MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Govenment Department be pleased to state if he has received any memorial from the Dacca Rate Payers' Association bringing to his notice—

(*i*) the grievances of the Dacca rate-payers against the Dacca Municipality;

(*ii*) various irregularities of the Municipality complained of by the auditor who audited the accounts of the Municipality; and

(*iii*) a decree passed against the Municipality by the Hon'ble High Court?

(*b*) If the reply to the above question is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what steps, if any, he has taken in the matter; and

(*ii*) if he proposes to institute an immediate enquiry into the allegations contained in the memorial?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Yes.

(*b*) (*i*) Reports have been called from the District Magistrate of Dacca, Accountant-General, Bengal, and Chief Engineer, Public Health Department, on the alleged grievances of the rate-payers and the lleged irregularities of the municipal authority.

(*ii*) Does not arise.

Mr. BIRENDRA NATH MAJUMDAR: Has the fact of Government's calling for reports been communicated to the memorialists?

The Hon'ble Maulvi SYED NAUSHER ALI: No, Sir.

Mr. BIRENDRA NATH MAJUMDAR: Will the decision be communicated to them?

The Hon'ble Maulvi SYED NAUSHER ALI: Yes, certainly.

Allowances to detenus.

96. Mr. SATYA PRIYA BANERJI: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to lay on the table a statement showing for the period from 1930 to 1937 the number and names of persons detained under the Bengal Criminal Law Amendment Act and under Bengal Regulation III of 1818, respectively,—

(*i*) who were granted family allowance;

(*ii*) who applied for but were refused family allowance with amount prayed for by each of them and the grounds for refusal;

(*iii*) who applied to the Government for the payment of their Life Insurance Premiums;

(*iv*) whose applications for the payment of premiums have been granted; and

(*v*) whose applications have been rejected with grounds for such refusal?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is not readily available in the form required by the hon'ble member and that owing to the number of detenus and State prisoners it cannot be collected without an undue expenditure of time, labour and energy which Government regret they cannot undertake.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the answer given, will the Hon'ble Minister kindly state whether it is the policy of the present Government to avoid answering questions on the special plea which they have taken in connection with this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: Unreasonable information, when asked for, has got to be withheld.

Mr. NIHARENDU DUTTA MAZUMDAR: Does not the Hon'ble Minister think that sufficiently handsome salaries are given to Ministers and expensive departments are maintained?

Mr. SPEAKER: I cannot allow the question.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware ıat questions, whether reasonable or unreasonable, have got to be ıswered?

The Hon'ble Khwaja Sir NAZIMUDDIN: The way in which ıme of these supplementary questions are put shows that there can ₹ no other answer than what I have given.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, r. When questions have not been disallowed by you, is it for e Hon'ble Minister to avoid answering questions in this fashion?

Mr. SPEAKER: He is not avoiding answering it. He has ıswered it in his own way.

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble inister has practically said that he is unable to answer it.

Mr. SPEAKER: I may again tell the House that until the House epares a set of rules for the purpose. I have no power to compel a inister to answer a question in a particular way.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble inister be prepared to take a little more trouble that is necessary in e public interest and supply this information at the earliest possible y?

The Hon'ble Khwaja Sir NAZIMUDDIN: Information about ividual detenus I am ready to supply any time when the House ınts it, but when a general information on the lines in which the estion has been put is asked for, I do not think it is necessary to llect that information which entails an undue expenditure of time, ɔour and energy on the part of Government.

Number of detenus and State prisoners.

97. Mr. SATYA PRIYA BANERJI: Will the Hon'ble Minister charge of the Home (Special) Department be pleased to lay on the le a statement showing for the period from 1930 to 1937 the number also the names of persons detained under Bengal Criminal Law ıendment Act and under Bengal Regulation III of 1818, respectively, o were before their arrest—

(*i*) either lawyers, doctors, engineers, businessmen, professors of colleges and teachers of schools;

(*ii*) who were college students;

(*iii*) who were school children before arrest; and

(*iv*) who were other than those referred to in (*i*), (*ii*) and (*iii*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is not readily available in the form required by the hon'ble member and that owing to the number of detenus and State prisoners it cannot be collected without an undue expenditure of time, labour and energy which Government regret they cannot undertake.

Muslims in the department of Industries.

98. Mr. M. A. H. ISPAHANI: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing—

(*i*) the number of persons employed in each of the grades in the department of Industries on the 31st March, and 30th June, 1937, respectively; and

(*ii*) how many in each grade were Muslim on those dates respectively?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur) of Dacca: A statement is laid on the Library table.

Mr. SYED ABDUL MAJID: Was there any Muslim candidate for appointment when these posts were filled?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: These appointments were made when the department was in the charge of a different Minister. I therefore want notice.

Maulvi ABDUL BARI: How many of these appointments were made from amongst the students who passed out of the Berhampore Silk Weaving and Dyeing Institute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Maulvi ABDUL BARI: Is it not a fact that all the appointments have been made from amongst the students who passed out of the Berhampore College only?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Publication of sale news in local newspapers.

99. Babu KSHETRA NATH SINGHA: (*a*) Will the Hon'ble nister in charge of the Revenue Department be pleased to state at is the use of publishing the sale news in local newspapers when der section 168, Bengal Tenancy Act, a registered notice is sent to :h of the judgment debtors?

(*b*) Is the Hon'ble Minister aware that in the same district different thods are adopted for giving publicity?

(*c*) Will the Hon'ble Minister be pleased to stop such unnecessary blication and save additional expenses to the decree-holders for blication in the newspapers whose circulation is very small?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Without such publication, bidders will not come in sufficient numbers. Moreover holdings are sold free of encumbrances, there are many persons ected by such sales, who have no source of knowledge except such vertisements.

(*b*) Yes. Because it is left to the discretion of the court to decide at publicity should be ordered in any particular case.

(*c*) This is a matter which is left to the discretion of the courts to decided on the merits of each case.

Khan Bahadur MOHAMMED ALI: Is it not a fact that Govern-nt advertisements appear in newspapers which have no *bona fide* culation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think at is correct.

Babu NAGENDRA NATH SEN: Is it not a fact that these matters within the discretion of the particular courts concerned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Babu KSHETRA NATH SINGH: Is it not in the contemplation Government to make a uniform set of rules for the province as a ıole without leaving the matter to the District Judges?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the districts a certain number of local newspapers are specifically ıintained for the publication of such advertisements?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May be so, Sir.

"Begar" system in Hooghly district.

100. Mr. SUKUMAR DUTTA: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the system of *begar* is still prevalent in parts of Bengal; and

(*ii*) that serious allegations of the above nature were made against the *zemindar* of Hasnan (Hooghly district)?

(*b*) Is the Hon'ble Minister considering the desirability of taking any steps to put a stop to such illegal practices?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) Government are not aware of the prevalence of *begar* in any part of Bengal except in the Chittagong Hill Tracts where the system is in vogue from time immemorial but Government have issued rules from time to time to mitigate its hardship.

(*ii*) No allegations against the *zemindar* of Hasnan have been brought to the notice of Government.

(*b*) In view of the answer given above, I do not propose to take any steps; but if complaints are brought before me by responsible people, or by the people affected, I shall certainly make enquiries.

Representation of Provincial Legislature on Local Railway Advisory Committees.

101. Mr. DHIRENDRA NARAYAN MUKERJI: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table the copy of the letter of the Government of India (Railway Board) regarding the selection of the members to the Local Advisory Committee to the different railways from the members of the Legislature?

(*b*) Is it a fact that the Minister in charge favours nomination by the Government of this Advisory Committee instead of election by the members of the Legislature?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons of his favouring the method of nomination in preference to the method of election?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) A copy of the Railway Board's letter No. 446-T/II/A, dated the 23rd September, 1936, is laid on the Library table.

(c) Election system, in this province would not ensure the election such a representative on a Railway Local Advisory Committee as actually conversant with the affairs of that particular railway and e needs of the travelling public on that railway.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in ıarge of Communications and Works Department be pleased to state hether it is within his Department to nominate Members of the Local ailway Advisory Committees?

The Hon'ble Mr. H. S. SUHRAWARDY: Is it relevant on the ırt of a member to put a supplementary question to another Minister hō is not concerned with the main question?

Mr. SPEAKER: The question is whether this appointment is a atter which concerns the Minister for Communications. I do not ow whether it can arise but this is a matter which I have referred law officers. I have not got their opinion yet. I am afraid I shall ıve to allow this question, but I do not know whether the Hon'ble inister for Communications would be prepared to answer.

Dr. NALINAKSHA SANYAL: May I draw your attention and ıe attention of the Hon'ble Minister for Labour to Rule 24 where it stated that a question may be asked for the purpose of obtaining formation on a matter of public concern within the special cognisance the member to whom it is addressed? I submit the matter of ppointment to the Railway Advisory Committee is and should be with- the special cognisance of the Minister for Communications and Vorks and not of the Minister for Labour.

The Hon'ble Mr. H. S. SUHRAWARDY: That Rule does not say at it depends on the hon'ble members themselves to decide that ques- on. But it says that it should be addressed to the Minister in whose ecial cognisance it rests.

Mr. SPEAKER: Dr. Sanyal, if your interpretation is correct, you ı put that question to Mr. Dhirendra Narayan Mukerji who has ven notice of the main question, but I doubt whether you can put the iestion to another Minister. As I have already said this point is still en and you can ask the Hon'ble Minister whether it is in his cognis- ıce.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in ıarge, whoever he may be, be pleased to state whether there is any inciple on which these nominations have been made?

The Hon'ble Mr. H. S. SUHRAWARDY: I think, Sir, the rep is given in answer to question (*c*).

Dr. NALINAKSHA SANYAL: Sir, the statement lying on t Library table shows the number of members of different categories wl will be on the Advisory Committee. It does not, I submit, show tl principle on which they are to be nominated.

Mr. SPEAKER: The answer has been that the principle is contai ed in answer (*c*).

Babu NAGENDRA NATH SEN: Does the Hon'ble Minister charge, whoever he may be, know that in the case of all other Gover ments, except the Government of Bengal, the selection is made by tl election of members by the Legislatures?

The Hon'ble Khwaja Sir NAZIMUDDIN: Is it permissible address a question to a Minister, whoever he might be?

Mr. SPEAKER: I think not. It should be put to the Minist concerned.

Babu NAGENDRA NATH SEN: Is it not a fact that in all othe Provinces selection of a Member of an Advisory Committee is made b election by the Legislature and not by nomination?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no knowledg Sir.

Mr. DHIRENDRA NARAYAN MUKERJI: Is it not a fact tha recently the Bihar Government selected their nominee by means of a election by members of their Legislative Assembly?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no knowledge Sir.

Babu NAGENDRA NATH SEN: Is it not a fact that except the Government of Bengal and another Government Members of the Rail way Advisory Committees are selected by other provinces by means of election in the local legislatures? Is it not clearly stated to that effect in the letter of the Railway Board?

The Hon'ble Mr. H. S. SUHRAWARDY: If it is there, it is there. Will the hon'ble member please look at the statement laid on the Library table?

Maulvi ABDUL BARI: When will the term of the present Advisory Committee of the Eastern Bengal Railway expire?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe appointments are made for two years at a time.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the case of the Eastern Bengal Railway, the appointment is made for one year only and not for two years?

The Hon'ble Mr. H. S. SUHRAWARDY: I think the hon'ble member is misinformed.

Dr. NALINAKSHA SANYAL: Is it not a fact that different periods are provided from Members of the Indian National Chamber of Commerce, the Bengal National Chamber of Commerce and from the Legislature?

The Hon'ble Mr. H. S. SUHRAWARDY: I ask for notice.

Hunger-strike by the Andamans Prisoners.

Mr. SARAT CHANDRA BOSE: May I have your permission to ask for information on a matter which is agitating the public? I desire to ask for information, either from the Chief Minister or from the Home Minister, as to whether he has any information that the persons who were on hunger-strike, about seven in number, are still on hunger-strike in the Andamans?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware, they are still on hunger-strike and we have received no information that these peoples have given it up.

Adjournment motion.

Mr. SURENDRA MOHAN MAITRA: May I have your leave to move a motion for an adjournment of the business of the House to which you have given your consent to discuss the question of closing down the Rajshahi College and the consequent discharge of some Professors and other staff?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no objection; rather I would welcome the discussion.

Mr. SPEAKER: As Government have no objection I take it that leave has been granted to the motion and I fix half past five as the time for its discussion.

Resolution for the Constitution of a Committee of Privilege.

The Hon'ble Mr. A. K. FAZLUL HUQ: With your leave, Sir, and the leave of the House, I beg to move that a Committee of Privilege be immediately constituted with Deputy Speaker as its Chairman consisting of 11 members elected by single transferable vote and thereafter, unless otherwise decided under Rules and Standing Orders, such a committee be similarly constituted as a sessional committee as the first item at the beginning of each session.

Sir, I need hardly make any speech in support of this motion. In giving your opinion regarding the publication in a newspaper the other day you made abundantly clear that with a view to preserving the privilege of this House, a Committee like this is essentially necessary. Sir, I hope this motion will be accepted by the House without dissent and in that view of the matter, I move formally without any further speech.

Mr. SARAT CHANDRA BOSE: I do not desire to take up the time of the House because I expressed my views very definitely on the last occasion.

The motion was put and agreed to.

Position regarding the Bengal Tenancy (Amendment) Bill, 1937.

Mr. SPEAKER: Before I take up the next business of the House, I would request the Hon'ble the Revenue Minister and also the Chief Minister to let me know either this day sometime towards the close of the debate or to-morrow about the position of the Bengal Tenancy (Amendment) Bill. The House will learn that there are 1,750 amendments to the Bengal Tenancy (Amendment) Bill. It is not humanly possible to deal with them in this office and within the four days allotted for it, it may not be possible to pilot the Bill through, especially as leaving aside the question-time, we will have only two hours a day for it which comes to eight hours in all. So far as this Department is concerned it is not possible to go through the different items, neither will it be possible to arrange and print it off in the course of the next two days.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as the Revenue Department is concerned we have not yet received copies of amendments. We have only come to learn from the Assembly Department that their number is 1,750. It is difficult for me to be ready with replies until I receive a printed copy of the List of Amendments. I propose to inform you of my views after consultation with my Hon'ble Colleagues.

PRIVATE MEMBERS' BUSINESS.

Resolutions on matters of general public interest.

Mr. SPEAKER: The first resolution refers to process-servers. I find that 28 resolutions have been given notice of on the same matter. They are 1, 5, 10, 13, 18, 23, 27, 28, 40, 45, 47, 49, 62, 64, 65, 70, 75 and 81,—if this does not exhaust their entire grievances it only refers to their pay. I should like to know from the Chief Minister and also from the Leader of the Opposition as to whether there should be a time-limit. My personal view is that there should be a definite time-limit.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not believe it will be possible for us to check so many people who are anxious to speak. It appears that a lot of members are interested in uplifting the condition of these men. So far as I am concerned, however, I can say that I shall not take more than ten minutes

The Hon'ble Mr. H. S. SUHRAWARDY: So many persons seem primarily to be as vitally interested in this question that it will be difficult to deal with the question of time-limit unless we know whether this resolution deals with a real vital grievance, or it has been merely engineered by interested persons.

Mr. ABDUL KARIM: This Assembly is of opinion that immediate steps be taken to increase the pay of the process-servers according to the recommendations of the Civil Justice Committee.

Mr. SIBNATH BANERJEE: Sir, I beg to move that this Assembly is of opinion——

Maulvi ABDUL BARI: Sir, Mr. Banerjee is moving the resolution relating to the grant to the Tuberculosis Hospital at Jadabpur. Sir, what about the resolutions relating to process-servers?

Mr. SPEAKER: Mr. Abdul Karim, the mover of the priority resolution, did not move it.

Maulvi ABDUL BARI: There are other resolutions standing in the name of other members on the same subject.

Mr. SPEAKER: It may be so, but I cannot give priority to anyone of them, because it is the first member who is entitled to priority. If he had moved the resolution, then the other members would have

been entitled to take part in discussion. I do not think that the mere fact that Mr. Abdul Karim had the right of moving the priority resolution gives priority to the others with same resolutions later in the list.

Mr. SIBNATH BANERJEE: Sir, I beg to move that this Assembly is of opinion that a sum of Rs. 4,50,000 be provided for in its revised budget for the current year to be granted for the Tuberculosis Hospital at Jadavpur to be spent on acquisition of land, construction of buildings and purchase of implements and accessories for the purpose of providing for further accommodation in the said Hospital and that the said amount, when available, should be handed over to the Calcutta Medical Aid and Research Society of Calcutta which is governing the said Hospital.

Sir, I think this resolution will be absolutely a non-controversial one and all sections of the House will whole heartedly support it. No big speech is necessary, because in a previous debate a few days ago as many as seven speakers in this House including the Hon'ble Mr. Syed Nausher Ali referred to this disease—tuberculosis—and the Hon'ble Minister was good enough to refer to this hospital itself and in a way assured that something would be done for this institution. He was also good enough to admit the splendid work that is being done. I may refer to another Minister who has to find this money. He has also been connected with this institution for a long time and knows the working of it, both inside and out. I may also refer to the Chief Minister who is also aware of the good work that this institution is doing, because I am informed that a large number of recommendations from the Chief Minister have been received by the authorities of the Jadabpur Institution for admission of patients.

Sir, all that has been asked for is only Rs. 4,50,000. This amount, considering the necessity for the relief of patients, is absolutely small. About ten lakhs of people are infected with this fell disease and everybody knows that, besides the ten lakhs of people who are known to be suffering from this disease, there must be ten times that number of patients who are not yet detected.

Mr. Speaker, I appeal to all sections of the House, without making any long speech, to support the resolution I am moving. I appeal with the strongest of motives, i.e., the instinct of self-preservation to support this motion, because it is known to everybody that for each T.B. patient who is roaming at large, everybody is in danger, as he might infect any number of persons, even innocent children, unless such patients are kept in hospitals and given proper treatment.

Sir, apart from humanitarian considerations, I think everybody would agree that the amount which is being asked for is a very small one. I do not want to go far to Italy or Russia or England or any

other place to show how much money is being spent, but I would only go to the United Provinces or other neighbouring provinces and these provinces have got their own sanatoriums. In Bengal we have practically got nothing. In the Jadavpur Hospital and in the different Medical College Hospitals there is provision for barely 300 patients. In the Jadavpur Hospital, as everybody knows, there is always a waiting list of more than 300; and the amount that has been asked for the acquisition of land amounts to Rs. 1,36,000 and buildings for the accommodation of 100 beds, Rs. 1,40,000 and miscellaneous items Rs. 4,47,000.

Sir, one word more and I shall finish, and that is that this amount is to be handed over to the Calcutta Medical Research Society and that Society has got amongst its directors such eminent doctors and eminent persons as Sir Nilratan Sircar, Dr. B. C. Roy, Sir P. C. Roy, Sir Harisankar Paul and others.

With these observations, I commend this resolution to the acceptance of the House and I hope it will be supported by all sections of the House.

Mr. PULIN BEHARY MULLICK: Mr. Speaker, Sir, I rise to support the motion which has been placed before the House by Mr. Sibnath Banerjee. My task is easy. I think it is not necessary for me to make out a new case to convince the House of the urgency and utility of the demand. There is hardly any family in Bengal which has not paid its toll to this fell disease.

Within the last ten years there has been a phenomenal growth of this disease in this province. Statistics show that in the year 1926 as many as 9,670 people succummed to this disease in this province. With a gradual and steady increase the total number went up to 19,380 n the year 1935. Thus we see that within a period of ten years the otal number of deaths has doubled. Besides these, as my learned riend has just observed, the number of infected cases would be near bout ten lakhs.

Sir, to cope with this disease, we have at present in Bengal two pecial institutions. One institution is at Jadabpur, to which reference as been made by my learned friend Mr. Sibnath Banerjee, with 120 eds; and the other institution, which is at Kurseong, contains only 4 beds. Besides these, there are about 140 beds spread over the other eneral hospitals throughout the province. So the total number of eds amounts to 284.

Sir, to look to the needs of over ten lakhs of people we have only 84 beds. This, Sir, is really a disgrace.

Now let us see what countries abroad and the other provinces in ndia are doing to cope with this problem.

Now, Sir, the European countries provide one bed for each death, America two beds for each death and there are 95,000 beds in America to-day Italy provides 40,000 beds for a population of 40 millions. So it is evident that while countries abroad are marching forward in their conquest of this demon, we in Bengal are merely crawling along. This is simply ridiculous.

Coming nearer home, Sir, we find that Bombay provides six special institutions for the treatment of this disease. The United Provinces and Madras maintain three institutions each. Behar maintains one special institution for which Government spent Rs. 6 lakhs and the entire maintenance cost is borne from the Provincial Exchequer. So we find that even when other provinces in India are moving fast in this matter, our province, Bengal, is lagging behind.

Now the question is how best to solve the problem in our own province—to establish new institutions or to subsidise the institutions that are already in existence. To my mind, Sir, the first project is not practicable. Recent experience of Government in this respect also confirms my view. Government selected a site at Kalimpong, but eventually had to give it up owing to persistent opposition from the local people. So the best course in the circumstances is to subsidise institutions that are already in existence; that is to say, the tuberculosis institution at Jadavpur and the sanatorium at Kurseong.

Now the hospital at Jadavpur, being within easy reach of Calcutta, has the special advantage of getting daily skilled service from eminent physicians; and I am told, Sir, that the Medical Superintendent of this Hospital, who is a physician of great repute, attends daily and lends his service free. This advantage should not be lost sight of.

Sir, this institution is also preferable from the point of view of the patients as well as their relatives. Exodus to the hills may be coveted able, but is certainly beyond the reach of many in a poverty-stricken country like ours. Then again, Sir, the theory of treatment in the hills has also been exploded by eminent physicians like Sir Robert Philip. Recent tendency, supported by experts, is to get the patient treated in a place the climatic conditions of which are such as he is expected to experience in subsequent life.

In this view of the matter, Sir, I would like to draw the pointed attention of the Hon'ble Minister in charge that he would be pleased to release the amount, lying with Government, to this institution, which has been doing splendid work for the treatment of tubercular patients in this province irrespective of caste, creed or colour. Its management and superintendence, so far as I know, are excellent and one cannot but be impressed with the high order of treatment in modern methods and the care and anxiety that are bestowed to each individual patient.

Sir, this institution has issued an appeal over the signature of, as my learned friend has just observed, Sir Nilratan Sircar and others, who constitute the Governing Body of this institution. They have appealed for funds to the extent of Rs. 4,46,000. Of this amount the item on land is the most important, involving an expenditure of Rs. 1,36,000. This is the pressing need of the hour of this institution, and I most respectfully submit to the Hon'ble Minister in charge that if it be not possible for him to meet the entire demand of Rs. 4 lakhs and 46 thousand just now, no time should be lost to release the trust money that is lying with Government, viz., Rs. 3 lakhs, to this institution, as the money will lapse after a year if not properly utilised within the time. Sir, it should be borne in mind in this connection that hospital treatment means, besides expectation of cure, segregation from the family and also from the neighbourhood, which are thus made safe from the spread of the contagion.

In conclusion, Sir, I should like to remind this House of the well-known saying that "A stitch in time saves nine." In a similar way I might say that a grant in time may save not nine but many thousand times of nine. With these observations I hope that a resolution of this nature will meet with support from every section of the House.

Mr. W. C. WORDSWORTH: Mr. Speaker, Sir, I should like to say a few words in appreciation of the good work that is being done by this tuberculosis hospital in Jadavpur. I have been a frequent visitor to this institution—sometimes by invitation and sometimes without invitation, sometimes expected and sometimes unexpected. But I have always found there zeal and enthusiasm in the service of the patients. This hospital represents almost the only definite piece of organization against a disease that is scourging Bengal. I am aware that a recent private inquiry into the small wing for Anglo-Indians has revealed that all is not well with the arrangements for their food and comfort. The criticism was mainly about food—always a difficulty when there are a few patients of European habits in a large Indian establishment. But that difficulty, I imagine, is mainly a difficulty of money, and will soon be got rid of now that it has been brought to the attention of the authorities. The hospital is struggling bravely to do a work of great dimensions with very small resources, and I am sure that any money that Government can give it will be wisely spent in the service of the public.

Babu NAGENDRA NATH SEN: Mr. Speaker, Sir, in seconding this resolution we are doing something which legitimately belongs to the Hon'ble Minister in charge of Public Health and Sanitation, viz., the Hon'ble Mr. Nausher Ali. As an ex-Chairman of the District Board of Jessore he knows very well the rapid strides which this fell disease tuberculosis is making. From the report published by the

Jadavpur Institution, it appears, as has been pointed out by my friend Mr. Mullick, that during the ten years, 1926 to 1935, there has been a cent. per cent. increase in the number of deaths from this disease so it can be well taken that the number of attacks has been more than that—that the ratio of attack has been more than that. Mr. Mullick has told this House by reference to facts and figures what other provinces have done, what other countries in India have done; but, apart from any such question, when the good work that has been done by the Jadavpur Sanatorium is known to all and sundry, it requires but very little imagination to pass this resolution. Legitimately, it is the duty of the Government to provide an institution of this nature. Government have no separate institutions for this purpose and they have only been pleased to allot small funds from time to time to this institution at Jadavpur. In this connexion, Sir, I would also request the Hon'ble Minister to bring pressure to bear upon the various district boards in Bengal, who send patients to the Jadavpur Hospital, to see their way to liberally help this institution with sufficient funds. The rich people of Bengal, if they can afford to do so, also can make liberal gifts to this hospital. A sum of Rs. 4,50,000 is absolutely a small and insignificant amount, with which to build a large sanatorium sufficient to cope with this fell disease which we want to conquer. It is high time that a climatic sanatorium should be built elsewhere, but so long as that is not done and in order to give facilities to people with moderate means, something must be done with this end in view near the capital of the province, and Jadavpur is a place which is the desideratum. Therefore, I would submit that this resolution should be accepted by every shade of opinion in this House.

Mr. DEBI PROSAD KHAITAN: Mr. Speaker, Sir, I rise to give my support to the resolution which has been moved by my honourable friend Mr. Sibnath Banerjee. I have had the honour to visit this institution, and I was greatly struck by the splendid arrangements that have been made in this institution for the treatment of tubercular patients.

Mr. SPEAKER: I am sorry, Mr. Khaitan, I shall have to adjourn the House for prayer. We will hear you again after adjournment.

The House now stands adjourned for 15 minutes for prayer.

At this stage the House was adjourned for 15 minutes.

After adjournment.

Mr. DEBI PROSAD KHAITAN: Sir, before the adjournment I was submitting to this House about the splendid services that the Jadavpur Institution is rendering for the cure of that fell disease.

uberculosis. It is well known that it is more the poorer sections of he people who are liable to attacks from tuberculosis, and it is they /ho need greater attention from Government than the richer people. t is not possible for the poorer sections of the people to go to distant anatoria situated in other provinces, and the only institution to which hey can go to for their treatment is the Jadavpur Institution. So, it s absolutely necessary that this institution should be greatly enlarged nd in view of the treatment—the good treatment—that the authorities here are already affording, they should have the means to improve the ervice that they are rendering to the patients at the present moment. t is certainly eminently the duty of the State to help an institution of his character. In this connexion, Sir, I would like to say that much etter and more work can be done through private organizations than hrough institutions established by and maintained by the State itself. n account of redtapeism and on account of other methods that are nvolved in State establishments and State-managed institutions, those nstitutions become very costly. It is, therefore, necessary that when well-equipped institution of this character is being run at Jadavpur, he State should be still further prepared to render help to an institution like this. In saying so, I do not mean to say that a climatic anatorium is not needed. That is also needed in a pre-eminent degree, nd I have no doubt that the attention of the Hon'ble Minister will be rawn to the necessity for a climatic sanatorium also, but there is not he slightest doubt that an institution of this character in a suburb of alcutta should be helped by the State. In passing, I might also ention the 40 beds that are maintained by the Jaminibhusan Astanga yurveda Hospital at Pattipukur in Dum Dum, where tubercular atients are treated according to the ayurvedic system of medicine. here is no doubt that the attention of the Hon'ble Minister will also e drawn to the matter of helping an institution of this kind.

Mr. M. A. H. ISPHANI: Mr. Speaker, Sir, I whole-heartedly upport the resolution before the House, and I feel confident that no ember of this House will raise a voice in opposition to it. The adavpur Sanatorium has been rendering yeoman service to the fflicted patients of Calcutta and Bengal, and I have every confidence hat if encouraged and permitted to expand, it will carry on its good ork. Although a Government institution may be run as efficiently s this private institution, I feel that the cost incurred in the running f such an institution will be much heavier. Besides, up-to-date edical opinion holds that it makes no difference as to whether the anitarium is situated in the plains or in a high and dry climate. As matter of fact the opinion is that it is much better that patients be reated in an atmosphere and climatic condition that they are accusomed to. Sir, I support the resolution and I hope that Government ill have no objection in making this grant.

Maulvi TAMIZUDDIN KHAN: Not many words are necessary to give support to a resolution like this. Not only the people of Bengal but I think that even the Government of Bengal owe a deep debt of gratitude to the authorities of the Jadavpur Hospital for the good work that they have been doing. Had not the Jadavpur Hospital been in existence I think it would have been the duty of the Government of Bengal itself to tackle a serious problem like that of tuberculosis. So far as we can see for reasons which it is not necessary to dilate upon here the Government of Bengal have not been able to do practically anything in the matter of fighting this fell disease. Therefore when it is seen that by private enterprise such a fine institution has grown up it is only the primary duty of the Government to help that institution in every way possible. I also think that Bengal is in need of a climatic sanitarium. So far that is concerned, most probably some hill station will be selected for the establishment of such a sanitarium. That being so, the need of another sanitarium in the plains must be appreciated by one and all, because if the other sanitarium is established in some hill station that will not be easily available for the poor patients of Bengal. Poor patients will naturally like to go to a place which is more easily accessible and where living is less expensive. That being so I think it is very necessary that the Jadavpur Hospital should be helped by the Government.

I think, Sir, that the money that has been demanded by the mover of the resolution is not a very large amount and I think the Hon'ble Finance Minister will be able to find out this money in the revised budget as proposed in the resolution. It may be necessary that he will have probably to encroach upon his large expected surplus. But I think he should not hesitate to draw upon the surplus for a purpose like this.

I only want to add one thing more. Probably the honourable members of this House are aware that it is extremely difficult for Bengali patients to have admission in other sanitariums in other parts of India. Many members probably have experience of the difficulties that patients from Bengal have to undergo in getting admission in those sanitariums.

With these words I whole-heartedly support the motion.

Mr. J. W. CHIPPENDALE: I rise to support this motion and I hope it commends itself to every section of the House. I have been connected with the Jadavpur Hospital for the last eight years, and I am also a member of the committee attached to the Indian Red Cross Society in connection with tuberculosis. I visit the place and I know the noble work that is being done there. There is a wing which is called Anglo-Indian in which there are eight beds for males and two

eds for females. It is supported by churches and charitable bodies, nd it is a misnomer to call it an Anglo-Indian wing because as a atter of fact it admits every Christian without any distinction of ace whatsoever and it really ought to be called a Christian ward. I n interested in that ward and I have been interested in it for the st eight years and I have done my bit. It is important to notice at there is not a single free bed. As a matter of fact domiciled uropeans and Anglo-Indians have not got a single free bed in the hole of Bengal. That is a matter which should be brought to the otice of the authorities who are in charge of such institutions, because such institutions we cannot make any difference between man and an; everybody is equal and the disease attacks everybody without ny distinction of race, creed or colour. I have great pleasure in supporting the motion and I think other groups will also support it.

Mr. M. SHAMSUDDIN AHMED: Sir, I rise to lend my whole-arted support to my friend's resolution. Whatever had to be said s already been said and I would appeal to the authorities of this stitution to see that the fee charged to the patients may be of a sser amount. I understand that they cannot decrease the fee unless ey get sufficient help from Government. I am told that they are nsidering the question of decreasing the cost there. Bengal is very or and it is the primary duty of the Government to see that the poor ople are lodged and treated free of cost. With these words I support this resolution.

Mr. W. L. ARMSTRONG: Not very long ago we heard very much out a successful budget, but the glory of it lies ahead of us. When have a success like that the best thing to do is to celebrate it and ere is no better way of celebrating it than by providing for those s fortunate than ourselves. Years ago I came in contact with a ctor from the Argentine who was partly subsidised by his Governnt to tour China, Japan and India to ascertain the methods adopted the segregation of lepers and the treatment of leprosy. I had ny talks with him and he told me "I find that your methods are ich the same as ours so far as leprosy is concerned, but the greatest urge that you have got in Bengal is tuberculosis. It seems to me very sad thing that when with proper treatment you cannot only re or at least arrest the disease and prolong the lives you have not equate accommodation and equipment to treat them with.". I lieve there have been cases where people could not get admission o hospitals in spite of the medical opinion that they could with per treatment have lived for many years without suffering and thout the knowledge that they would soon expire. Now the question

comes to this: how can we provide for better nutrition, better sanitation and how can we remove such foul air to deal with this matter of tuberculosis? I trust that the Hon'ble the Chief Minister, whom I see coming in and who is noted for his generous heart in all things, will exercise his influence on the Finance Minister and without hesitation see that this amount is given for this very noble, honourable and humanitarian institution.

Maulvi Md. MOZAMMEL HUQ: Spoke in Bengali in support of the motion.

The Hon'ble Maulvi SYED NAUSHER ALI: I made my attitude towards this institution fairly clear during the budget debate. I think I am not called upon to take much time of this House on this occasion. This is for relieving the suffering of humanity and consequently it gets support from all quarters of this House: that is only what it should be, and I am very glad to see that this House has fully realised the importance of an institution of this kind. I should just like to say a a few words with regard to the present policy of Government relating to tuberculosis. I think, Sir, a committee was appointed some time ago whereon eminent medical men like Sir Nilratan Sarkar and Dr. K. S. Roy and others were sitting. They submitted a report and according to that report it was decided that the money that was available from the provincial revenues could be best utilised by assisting private organisations and not by starting institutions to be maintained by Government. In consonance with the recommendation of that committee Government decided to make a grant of Rs. 10,000 annually, mainly for propaganda work, to the Tuberculosis Association of Bengal.

Now, that is the policy that has hitherto been followed and at present we are considering various proposals among which is the proposal for increasing the grant to the Tuberculosis Association to 20 thousand rupees. There is also a proposal under the consideration of Government for a survey of tuberculosis throughout the whole of Bengal. According to expert advice this is absolutely necessary before any effective step can be taken to combat the menace of tuberculosis. Now, Sir, that is the policy that has hitherto been followed and that is what has been done up to now and I am having discussions both with my experts and with outsiders about the policy that may be followed with regard to the tuberculosis problem of Bengal.

Coming to the resolution itself, Sir, it says that Rs. 4,50,000 should be provided in the revised budget of the current year for this Jadavpur Hospital. Sir, the budget for the current year has already been passed. (A VOICE: But supplementary demands are coming.) I am just coming to that. I should like, before I make my submission with regard to it, to speak of the assistance that Government have rendered to this institution from time to time. Sir, it cannot be denied that

he authorities of the Jadavpur Sanatorium have done pioneer work in his respect and they deserve the gratitude, as my honourable friend Mr. Tamizuddin Khan has observed, not only of this House, not only f any particular section of the community, but of the country as a hole. It is a noble example of private enterprise for combating the isease that has been set by the authorities of the institution which I ope will be imitated by others. It deserves encouragement, support nd sympathy from everybody, as I stated on the other occasion, from overnment, from the local bodies and from the generous public. So ır as Government are concerned, they have given practical proof of eir appreciation of the work done by this institution by making rants on two occasions, of course, within their limited resources whatver they could afford to do. The authorities applied in 1926-27 for a rant of Rs. 4 lakhs non-recurring and Rs. 50 thousand recurring hich they subsequently modified in a revised application for a recurng grant of Rs. 1,35,259 and the Government made a grant of Rs. 1 kh on that occasion. Now, that was in the year 1926-27 and there as no application for any grant up till the year 1930-31. In 1931-32 ere was again an application for Rs. 4,60,000 and I understand that account of financial stringency nothing could be done. Now, in 34-35 they submitted an application for Rs. 80,000 and they revised and in that revised application they reduced it to Rs. 30,000, and a m of Rs. 12,500 was sanctioned on this occasion. In the year 1935-36 application was made; in the year 1936-37 an application was made r Rs. 45,000; in the year 1937-38, namely, the present year, an plication was made for Rs. 4,50,000 which was subsequently reduced a revised application to Rs. 1,36,000 or in the alternative to s. 67,000. Sir, this application is now pending with the Government nd I assured you on the last occasion and I do assure the House on is occasion also that the application will receive the most sympathetic nsideration from the Government. The question of the provision this sum is under consideration of Government. The next year's dget will soon be framed—it is generally done in September—so I n give this assurance that so far as this amount is concerned I will ve my best consideration and I hope I will have the Government on y side with me. (A VOICE: May we know the amount please?) s. 67,000, that is the minimum that the authorities have demanded. VOICE: But there is the other demand.) As regards the applicaon for the other demand, all that I can now say is that this is also der consideration, but in regard to that I regret I cannot hold out e same sort of assurance as I can with regard to the Rs. 67 thousand.

Mr. SANTOSH KUMAR BASU: May I hope that the Hon'ble inister will give his wholehearted support to that?

The Hon'ble Maulvi SYED NAUSHER ALI: I have already made attitude quite clear with regard to this institution. That the

institution is doing very useful work there can be no doubt about In this connection I may tell the House that the proposal for t establishment of a climatic sanatorium is also under consideration a the decision has got to be reached very soon because the offer of t donation for the purpose will not remain open long. Therefore we ha got to consider that aspect of the question also. I think we should t our best so that we can keep that amount to be utilised for the bene of Bengal.

In reply to my hon'ble friend Mr. Pulin Behary Mullick I m just say that that amount has not been offered unconditionally; the are conditions attached to it and we are not quite free to utilise th amount for this institution or for that. That is the difficulty and w are trying our best to see that that amount does not pass out of t hands of Government and may be utilised by Government. Therefo when I say that Government will give their best consideration for t provision of this Rs. 67,000 we have got also to consider the other aspe because if we accept that offer, which I hope the House will not thi that we can afford to lose, it will mean a serious commitment for very big amount on the part of Government. The amount of th donation will not be sufficient even for buildings; it may not even b sufficient for the purpose of the land that may be necessary for th establishment of the sanatorium. Therefore if we accept that amoun it will mean a heavy commitment on the part of Government. So a this stage I submit to you, Sir, that it will not be possible for Gover ment to make any other promise or to hold out any other assurance but I can give this much of assurance that I am in full sympathy with this institution and it is only a question of finance and nothing else We have to consider the conflicting claims of the different medical institutions within our limited resources.

If I am permitted, Sir, I may just strike a personal note. I think very few hon'ble members in this House know more than I do—even though there may be doctors—what this tuberculosis means. I myself was suspected of suffering from tuberculosis and spent full three years in different parts of India on account of that and I had been myself in sanatoria and I know what it means. Therefore you can take it that I am in full sympathy with this institution. (A VOICE: What about the proposal of the grant of Rs. 2½ lakhs spread over several years.) I have already given my assurance; it is only a question of adjustment of funds and nothing else. If funds be available it will be utilised to the fullest extent for the benefit of this institution.

Mr. SANTOSH KUMAR BASU: May I ask the Hon'ble Minister if the application does not say that the authorities want Rs. 4,50,000 to add 200 more beds and if it is not a fact that they cannot add 200 more beds unless they get this amount from Government.

Rai HARENDRA NATH CHAUDHURI: May I just remind the Hon'ble Minister that this amount is required for land acquisition for the extension of the sanatorium and if Rs. 1,36,000 be not allowed this year probably land acquisition proceedings cannot be undertaken at all. Will Government be pleased to take this aspect of the question also into consideration?

The Hon'ble Maulvi SYED NAUSHER ALI: The application is not before me, but I take it that when the authorities made this application they were fully cognisant of the fact that they would be in position to utilise this Rs. 67,000. Sir, it was their application and we have not modified it. It is they who applied and consequently we have taken the minimum they asked for. (A VOICE: Let us hear the Hon'ble Finance Minister.) But before he speaks, Sir, I will request the hon'ble mover to withdraw this resolution on the assurance that I have given.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, so far as this institution is concerned, from my own experience, I can say that it is a excellent institution deserving of help not only from Government one but from the public also. The authorities of the institution first approached us to grant them Rs. 67,000 for land acquisition. We have given due consideration to that proposal and we are practically providing for that money in the next year's budget. Then another application came that Rs. 67,000 would not do but Rs. 1,36,000 would be necessary for land acquisition. That question has not been properly examined by us yet and regarding the other amount Government are not in possession of full facts by which this entire scheme will be financed and what amount of money will be absolutely necessary. If a scheme like that is put forward by the authorities of the Jadavpur sanatorium and if we can provide, if the money is available, we will certainly give our foremost consideration to the scheme of that institution.

Regarding the money that was offered to Government for building a of a Tuberculosis Sanatorium, that is also under the examination of my friend the Hon'ble Minister for Local Self-Government and if Government decide and the donor also accepts that it is not necessary to build up a separate sanatorium and that the purpose can be served by helping this or any other non-Government institution, then certainly this money also will be available for the purpose of such institution. But if the Government decide on having their own institution, even then the claims of this institution to Government help will receive due consideration.

With this assurance, Sir, I think the honourable mover will withdraw his resolution because to provide money in the budget according to financial canon some preliminary enquiries have to be made and

certain rules and procedure have to be complied with and such a gra at this stage cannot be included in the supplementary budget. A I would request the honourable mover not to press this to a divisi We shall do our best to help this institution according to our resourc

Mr. SPEAKER: Mr. Banerjee, do you wish to withdraw t *resolution?*

Mr. SIBNATH BANERJEE: Sir, I wish to make a short stat ment. I find that this resolution has been supported by all sectio of the House. Although I do not wish to press it to a division, but all sections are willing to support it, I do not see why Governme should not accept it——

Mr. SPEAKER: I am very sorry but this is not withdrawal. thought that you wanted to withdraw it by making a short statemen

Mr. SIBNATH BANERJEE: Sir, I do not press it.

The resolution was then, by leave of the House, withdrawn.

Adjournment motion.

Mr. SURENDRA MOHAN MAITRA: Mr. Speaker, Sir, I beg t move that the business of the Assembly be adjourned to discuss definite matter of urgent public importance of recent occurrence namely, the situation created by the closing down of the Rajshah College under the orders of Government and the consequent discharg of a lecturer and notices issued upon others and the loss of percentag to students.

Sir, I do not propose to deliver a very fighting or a long speech Just now, at the very outset, I want to give a little history of the establishment of the hostels. Some years back, I think it was in the early twentieth century, the Raja of Dighapatia founded a hostel for the students of the Rajshahi College. At that time the roll number of the Rajshahi College was not very high. Now, after that, the Maharani of Putia gave another hostel to the Rajshahi College in view of the fact that the College was becoming more and more popular; but for some reason or other the hostel founded by the Raja of Dighapatia was made over to the Collegiate School and the hostel founded by the Maharani of Putia was used for other purposes. Then, the question of housing the college students in a hostel came to the forefront and it was during the glorious days of that immortal educationist whose name is one to conjure up, the late Rai Bahadur Kumudini Kanta Banerjee, who conceived the great idea of accommodating as many students as possible in a hostel and he submitted a scheme, as a result of which Government established five hostels for Hindus and one hostel for

uhammadans. Mr. Speaker, Sir, I must make my position absolutely ear here that I never thought in my life and I do not even care to ink in terms of community. Therefore, I will not raise any com-unal question in this matter; in giving a history I will just explain e position. It is well known, howevermuch we on this side of the ouse dislike communal questions and this prejudice of Hindus and uhammadans as to their mixing together, dining and living together, e are yet a long way off to have that consummation, that is mixing id boarding together of the Hindus and Muhammadans in a hostel, ough there was a proposal some time ago that this system of segrega-on should be done away with and the boarders should have the right electing to live wherever they liked. It was not, however, accepted. r, this system of founding hostels for Hindus and Muhammadans parately is not the creation of anybody, but it is the creation of the overnment themselves. It was they who created it, who had sown e seed of dissension at the outset, which now, it appears, has assumed very gloomy aspect. Now, in each of the hostels there is accom-odation for fifty boys and it will appear from the history of the ollege that the number of Moslem students in the Moslem hostel has ver attained the number fifty for any period during the existence of is hostel. During the hey-days of the College the full number of 0 was found to be occupying the Hindu hostel but during the world epression the number fell down and some of the blocks were lying acant. But again the number is going up, because I find that this ear the roll strength of the College is nearly 800, out of which about 0 are Hindus and about 250 Muhammadans. Now, out of these, 147 indus boys live in the Hindu hostel and 39 Muhammadan boys live the Moslem hostel; so it is apparent that the full strength of the uhammadan boys was not living in the Muhammadan hostel; and ither the full strength of the Hindu boys was found to be occupying e Hindu hostel. I do not know why out of the 39 Muhammadan oys 2 boys were ordered by the late Principal, Mr. J. N. Bose, to ccupy block No. 2, which intervenes between block No. 1 and block o. 3. Block No. 1 is separated from the Muhammadan boarding by wide road and the five hostels which comprise the Hindu hostel are ocated in one compound. Now, this gave rise to some trouble as a esult of which the boarders of the Hindu hostels went on hunger-trike. Well, I say, and I fully endorse the view, that this sort of trike is anything but to be liked by anybody (hear, hear). My point that if there was tactfulness on the part of the College authorities, think this situation would not have assumed such an aspect that it equired the intervention of Government and a drastic measure by overnment. I am informed that in this matter the Governing Body as never consulted. The previous order passed by the then Principal, r. J. N. Bose, had to be carried out by the subsequent officiating rincipal, Dr. Sri Kumar Banerjee. My chief complaint is that these ssensions and differences among the students should not have been

allowed to grow to such dimensions and the remedy, if it can be called by any stretch of imagination, prescribed by the Governm of Bengal, is a very heroic one no doubt but beyond all proport to the malady which they seek to cure. The closing down of a fi grade College like the Rajshahi College is a thing which I cannot c ceive of, I know that in the history of University education of Ben such a thing has never happened. To me it seems that it is a tem in a tea pot. If you want to instal Mars in the temple of Minerva course you have no other way out of it than to take the course of t drastic measure to cure the so-called malady, but this is not the pro way. It requires a creative sympathy, a creative generosity an tactful handling of the situation. Is it right to victimize the wh body of students for the fault of a few? Is it right that the fate 750 boys should be sealed for ever? I say deliberately with a sense of my responsibility—"sealing for ever"—because in the G ernment communiqué it has been said that facilities would be affor to students to get their transfers. About 50 applications were filed transfer but only 14 or 15 transfers have been granted and that w vengeance; far from giving any facilities for transfer these boys h been branded with bad conduct in their certificates wherein it has b stated that they disobeyed the order of the Principal and went hunger-strike; and the result is that these boys when they came before yesterday for admission into the Scottish Church Colle Calcutta, they were refused admission. Then, the result of t closing down of the College is that the students will lose their p centage. It is well known that the students are required to maint a certain percentage and if the College is closed down for a long tim who knows the minimum percentage will be kept by them and w knows that the University will allow them to appear at the examin tion. As a matter of fact, my information is that the University w never consulted in this matter. It is strange that the body which in sole charge of education in this province was never cared to be co sulted. (A VOICE: Very justly.) It may be so according to yo because you are always crying for its head on a charger. However, long as the University exists, so long as they are in charge of educ tion, until they are superseded, they can very well say that they ough to have been consulted in the matter of closing down of a college. is not the case of closing down for the time being because in that ord it was stated that the temporary staff should be discharged as a resu of which one Muhammadan professor has been discharged forthwi and four other lecturers, of whom one is a Muhammadan, have bee served with notice and two permanent professors have been alread transferred—one to Krishnagar and another to Chittagong. Do n these show that this punitive action has been taken to teach a lesso to the boys or to bar their career for ever? Now, Sir, the history the Rajshahi College is a peculiar one; it was first started as a ordinary high school. But by the endowments and by the generos

benefactions of the landlords of Rajshahi—the houses of Dighagatia, Putia, Dubalhati, the Rajshahi Association and others—an amount which will go in the neighbourhood of Rs. 5 lakhs was raised and with that help the institution was raised to the status of a first-grade college.

Now these donors have not been consulted when the order for closing down was given. Have they not any right to have any say in the matter. (A VOICE: It is now a Government College.) Might be, but all the same they accepted the money of the generous public. (A VOICE: They did not give this money conditionally.) I do not know whether they gave it conditionally or not; but there are some conditions. Under these circumstances, my complaint is that closing down of this College is not justified. If you want to solve the question that led to the closing down of this College, it is better that the College should be opened and some responsible people of both communities should go there and make up the differences. It is not by closing down the College that you can bring about amity between the Hindu and the Muhammadan boys. Sir, I, therefore, request the House, through you, to say in unequivocal terms that the closing down of the Rajshahi College, which is the premier College in North Bengal, is totally unjustified, totally uncalled-for, hasty, and injudicious.

With these words, Sir, I resume my seat.

Maulvi MOSLEM ALI MOLLAH: Mr. Speaker, Sir, I beg to submit that, as there was not sufficient accommodation in the Muhammadan hostel, the Principal, Mr. J. M. Bose, asked the Muhammadan students to live in Block No. 2 of the Hindu hostel, which was lying vacant. When that order was passed nobody protested. As soon the Muhammadan students went to live there, the Hindu students started hunger-strike in protest aaginst the Principal's order allowing Muhammadan students to reside in the Hindu hostel, Block No. 2. The Principal in charge had no other alternative but to ask the Muhammadan students to vacate the same immediately; accordingly, they vacated the rooms and, finding no other way, they were compelled to take shelter under the trees, and, so far my information goes, they are still living there. (Cries of "Shame, shame.") This report of the incident having spread all over the district, has wounded the feelings of the Muhammadan community. Receiving the information regarding the incident, the Director of Public Instruction, Bengal, asked the Principal to close down the college until further orders. This made the attitude of the Hindus very hot, and there is an apprehension of communal riots breaking out in the district if immediate and proper action is not taken

As regards the hunger-strike of the Hindu students, Sir, I should like to mention here at the outset that, with the very strained feelings now existing between the Hindus and the Muhammadans, the principle

of hunger-strike is losing its importance daily. If people go on st hunger-strikes without any sufficient reason, the brains and the leade who are at the back of these troublesome affairs, would also make th own position very ludicrous, as they would certainly not be able to dr the sympathy of this House and of the public at large.

Sir, it is a matter of great regret that the poison of communali and seeds of hatred have been spread even amongst our Hindu you folk, who are the hope of future generation. I think these poisone seeds of communalism have been sown into the fertile, young a undeveloped minds by some leaders of the locality, who alone are to blamed for such a deplorable behaviour on the part of the Hin students towards their Muslim friends.

(Mr. ATUL KRISHNA GHOSE raised a point of order in Beng by drawing the Speaker's attention to the alleged reading out of t speech from a manuscript;—a point of which no notice was taken by t Speaker.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacc May I know, Sir, how a gentleman who does not know English, c understand English and rise on a point of order? (Laughter.)

Maulvi MOSLEM ALI MOLLAH: Sir, we are all proceedi towards our national freedom and independence, which it would n be possible for us to allow if such dirty poisons are injected into tl young blood. Many of our friends in the Opposition have often sai "We not only want to be good neighbours but also we want to li under the same roof"; but to our utter disappointment we have alwa experienced otherwise! From this we can easily gather that the preaching is nothing but a simple eye-wash.

High tension of feelings amongst the Hindu students of the Rajshal College started some three years back, when Dr. P. D. Sastri was tl Principal of the College, over the question of Muhammada representation in the College Union. After him, during the regim of Mr. J. M. Bose, the Hindu students, both boys and girls, boycote the College Union and the social gatherings. (Mr. Surendra Moha Maitra: On a point of order, Sir. My friend is absolutely incorrect i saying that the Hindus—boys and girls—boycotted the social.) Th Principal tried his level best to bring about a compromise, but h failed and failed hopelessly—as the students were adamant, because the were so advised by their leaders. This is a matter of shame and regret

The higher education that fails to create a strong commonsens in the students, the education that cannot give them a most libera training to develop fellow-feeling, sympathy and love for humanity ought to be stopped once for all, as it will never bring peace an

armony amongst the people. This sort of long-standing tense eeling is found only amongst our so-called educated bretheren, but ; is rare amongst the illiterate classes of people who always extend heir hand of sympathy and love.

I am afraid if these poisonous seeds spread amongst the illiterate lasses of the villages, they would be converted into hot beds of ommunalism for both the communities to live in peacefully. Apart om this sad incident, there were several other occurrences a few ionths back at Rajshahi which would testify to the truth that the lindus in the town of Rajshahi only—a seat of learning—and nowhere lse in the district entertain very bad feelings against the Muslims.

Sir, what I infer is that the Muslims are trying to get education i the district and that this has become an eye-sore to the Hindu ommunity; because if the Muslims are educated, they would demand eir legitimate rights and privileges in all the institutions of the istrict as well as in the province.

Sir, if the Director of Public Instruction, Bengal, did not close own the College immediately after these happenings, then there was very likelihood of communal riots and disturbances throughout the istrict.

Now, Sir, I hope and fervantly appeal to the Minister in charge of ducation, through you, Sir, to inquire into the matter immediately y appointing an impartial committee and then declare that the College to be reopened.

With these few words, Sir, I oppose the motion before the House.

Mr. SATYA PRIYA BANERJI: Mr. Speaker, Sir, I rise to support ie motion which has been so ably moved by my esteemed friend r. Surendra Mohon Maitra. Sir, on account of my association with ie Rajshahi College for a large number of years and having an timate knowledge as to how the administration of this College was rried on during the Principalship of my father the late Kumudini anta Banerjee for a period of more than 25 years, I think I have me claim to speak on this adjournment motion. Sir, if ever there as a tempest in a tea-pot, it has been the summary closing down of e Rajshahi College over a very trifling matter, which could have en easily, smoothly, and successfully managed. The Rajshahi llege, Sir, is the premier Government institution of this province the muffassal, imparting education to students coming from all rts of Bengal. It has produced many distinguished educationists d scholars, two of whom I can mention at once, viz., Principal B. M. m of the Presidency College and Sir Jadu Nath Sarkar, an ex-Vice-ancellor of the Calcutta University. And I also see around me faces at I saw while a student at Rajshahi. On the Treasury Bench also

I find one figure that was very familiar at Rajshahi, and who ha education there, I mean the Hon'ble Minister for Excise—K Prasanna Deb Raikat. The Rajshahi College is a very old institu Its history goes back to the year 1828, when it was a small high sc opened with voluntary subscriptions. It was raised to the rank of a z school in the year 1836. As the demand for higher education after the establishment of the Calcutta University, Raja Haranath of Dhubalhati made a gift of a property to Government yieldin annual income of Rs. 5,000, and Government accepted that gift, with this gift the zillah school was able to have attached to it F classes—that was in the year 1873. Then after that the College to be one of the most important educational institutions of this vince. Having on the roll at the beginning, i.e., 'in 1873 on students, it gradually came to have in the year 1924, a roll of a 1,000 students, of whom about 200 were Muhammadans. catastrophe which has befallen the people of Rajshahi, nay the pe of Bengal, could have been easily averted with only a little tact, a l sympathy, a little imagination, and a little foresight;—these wer that were needed to avert this catastrophe. And I for myself tho that the Hon'ble the Chief Minister, master tactition that he is, c easily have avoided this terrible calamity if only he had so pleased. this because I have lived to see the Rajshahi College passing thr many vicissitudes of fortune, many crisis, and many an onslau and I am glad to inform you that, thanks to the tact and imaginat foresight and sympathy, of the then Principal, the College had surv them all. I will only relate one instance. It was during the st days of anti-Partition agitation, thanks to the late Lord Curzon, has been very aptly described as an efficient ruler of men, who fa and an unwilling regenerator of a nation who succeeded.

The Hon'ble Mr. A. K. FALUL HUQ: On a point of order, Is all this relevant to the motion before the House?

Mr. SPEAKER: After all he is making a connected refere And if I am to rule him out, I ought also to have ruled out Ma Moslem Ali Molla when he was referring to communal riots in course of his speech.

The Hon'ble Mr. A. K. FAZLUL HUQ: That point, Sir, rather different.

Mr. SATYA PRIYA BANERJI: It was during those stormy d of anti-Partition agitation, when for the first time in the history Bengal a new spirit of awakening was visible and we had all s of unrest in the land, it was in those days that Sir Bamfylde Ful the then Lieutenant Governor of Eastern Bengal and Assam, visi Rajshahi, and he was to have visited the College.

The then Principal my father came to know of the decision which he students arrived at and that decision was to the effect that they would not stand up when Sir Bamfylde Fuller entered their class. My father called the students to him and said "you, students, I have called you to me because I want to tell you a few plain facts and ask you a few plain questions and I hope you will not hesitate to speak out your mind to me. I know and I have always looked upon you as the creators of the future and I deem it a matter of pride to be instrumental in preparing yourselves for that future." That is what he said. He asked the students if they had decided not to stand up when Sir Bamfylde Fuller, their Lieutenant Governor, entered their classes. They gave a free reply and said "Yes, sir. Knowing you as we do we think you would have done the same thing if you were a student in our time." The Principal said "I fully realise your position. I appreciate the injustice which has been done to Bengal by the partition but may I ask you to do one thing? May I not ask you to stand up when I enter your class?" They agreed and the whole problem was solved. A little tact, a little imagination and a little foresight were all that was needed. I will ask through you, Sir, the members of this house to plead to the Chief Minister to show that tact, that sympathy and foresight which were shown in the year 1907 by the then Principal. I see on the Treasury Benches members who had been to Rajshahi in year 1933 to celebrate the Diamond Jubilee of the College. Sir Nazimuddin, the then Education Minister, was the chief guest. At that time not a trace of communalism was to be found; both the communities vied with each other to make the celebration a success and it was a success. If I am not mistaken the Hon'ble Speaker as the Education Minister was also there after a couple of years and he, I think, will bear testimony to the happy relationship that existed between the Hindu and Mahomedan students at that time.

I will not dilate upon the incidents that have led to the present deplorable order of the Government. That point was beautifully and completely dealt with by the mover of the resolution. What I want to impress upon you is not to indict the whole community and punish them, but do pick up the offenders and punish them if you will; but for God's sake open the college and withdraw the order.

Maulvi ABDUL BARI: I welcome the adjournment motion that has been moved by my friend Mr. Maitra, because it enables the members of this House, the chosen representatives of the province of Bengal and through us the larger public of Bengal outside and through them the rest of the provinces of India to show the relationship in which the two great communities living in Bengal stand to-day—the relationship in which the future hopefuls of our motherland, the future

inheritors of the renown of Bengal are linked up with each other to-day. I am one of those who are acquainted with some of the facts relating to the adjournment motion. I had been to Rajshahi on a professional call at the time when this incident was going on, and I am in a position to say something on the subject. I had also the honour of being called by the members of the Bar Association and of discussing the question with the Rajshahi Bar. I expected, having a knowledge of the fact, that this motion would be moved by some members on this side, because I think that the story that was related to me was a story of oppression, of insult and of humiliation that was showered on the heads of the Muslim students of the Rajshahi College (interruption from the Opposition benches).

Mr. SPEAKER: I will make one appeal to you. The temper of the House is already such that even those speeches which might not ordinarily create any feeling might do so now. I appeal therefore that there should be no interruption. Once it is done either by this party or that party it might develop into obstruction. I appeal to the House not to make any running comments.

Maulvi ABDUL BARI: The question I put before the House is a very ticklish one no doubt, and I must try to dilate on the subject with as much restraint as possible without trying to enter into the borderline of communalism. I would expect each and every member of this House to deal with this question dispassionately, without running into the fires of communalism or without entering into prejudices or anything of that kind. The question before us is not a question of minor importance though directly it is a question of the closing down of the Rajshahi College, a fact which on the face of it we all deplore; but still the question is of grave and vital importance because it concerns not only the students of the Rajshahi College, not only a few boarders of the Rajshahi College hostel, but it concerns the whole of the nations of Bengal. In my humble opinion, on the solution of this question rests the solution of the freedom or salvation of our own motherland. Therefore this question has got to be judged and solved in a proper spirit.

Reference has been made by my friend Mr. Maitra, and by Mr. Banerji, whom I knew when I was a student at the Rajshahi College, and I had the honour of knowing his illustrious father Mr. Kumudini Kanta Banerji, to the contribution that has been made by the Hindu community. I admit the contribution that has been made by the Hindu community towards the construction of the Rajshahi College and its position can never be doubted. I frankly admit the contribution of the Hindu community to the making of Bengal. I frankly admit the suffering that the Hindu community has undergone but at

the same time I must say that there is a great feeling, a genuine feeling, that the members of the Muhammadan community have been very much neglected by their friends of the other community. Much stress has been laid upon the fact that little sympathy has been shown to the Muhammadan community. These are the grievances of this side of the House.

I expected my friend Mr. Sarat Chandra Bose to go to Rajshahi himself and solve the question. But I found him delivering a lecture accusing the Labour Minister at the base of the Ochterloney Monument. I found him delivering a lecture in the Albert Hall accusing the Chief Minister of not being able to solve the great problem of communalism; I did not expect this of the great leader of the Congress. He has failed and through him the Congress has failed. This question has been tried to be shelved, because we have heard from many eminent men that the communal question has come to such a pass that it is not possible to tackle it. Time will come when it will be solved. I submit that it is a vital question: it is a question of more vital importance than the question of the release of detenus or the repatriation of prisoners from Andamans, because it concerns the salvation of the whole of Bengal and therefore more importance should be attached to this question. One is reminded of the late Deshbandhu C. R. Das. I wish Deshbandhu C. R. Das to rise up from the embers of his ashes to look at the present outlook of Bengal and to see how his friends, his countrymen, both Hindus and Muhammadans, are fighting with each other. That is a sort of man we want and I would appeal to Mr. Sarat Chandra Bose and to his other friends to deal with this question with a view to end things like this.

I would have expected my friend Mr. Maitra, being a resident of Rajshahi, to tackle this question in this way. But he failed and he had not tried; so far as I learnt from the members of the Bar Association this matter has not been approached in this way. Perhaps my friends have been ill-informed and wrongly informed that block No. 2 was occupied by the Hindu boarders at the time when orders were passed by Mr. J. N. Banerji permitting the Moslem students to occupy block No. 2. Block No. 2 was made the habitation of rats and gnats, and I do not know what actuated the Hindu students in not associating themselves with the Muhammadan boarders. They liked to associate themselves with rats, bats and gnats but not with the untouchable Muhammadans. This is the sad part of the story. There is another part which the House will be interested to know. I know the time when late Deshbandhu C. R. Das made a bonfire of his European dress. I could understand that, because he wanted to dissociate himself from the mentality that was caused by European dress at that time, and shed off all that was in them. You will be surprised to know that at

the time orders were given by Mr. S. K. Banerjee asking the Muhammadan boarders not to introduce Muhammadan foodstuffs into the hostel; because allegations were made by the Hindus that beef would be introduced into the hostel, a most humiliating and insulting order was passed that the food that was imported by the Muhammadan cooks should be examined. That is the state of things that has been prevailing. I should say with all the emphasis that I command that there is none who can repudiate it and contradict me when I make this statement. When orders were given by Mr. S. K. Banerjee on Saturday, the 26th August, to the effect that both the Hindu students and the Mahomedan students occupying block 2 should vacate it, the Mahomedan students, because they did not like to disobey that order and follow the methods of the civil disobedience movement, vacated it at 9 p.m. Just at that time when the Mahomedan students left there was a bonfire made of lungis, because the Mahomedans use them and there was a bonfire of red caps which also the Mahomedans use and then the cry of Bande Mataram rang through the hostel. In reply to that the Mahomedan students also cried Allah-Ho-Akbar but they did it after the cry of Bande-Mataram was raised. That was the situation. As a result of that there was great excitement and public feeling in Rajshahi. There was a report in the newspapers that about 5,000 Mahomedans assembled together; of course that was contradicted but this shows that there was great public feeling at Rajshahi. I am constrained to say that Rajshahi, not only in connection with the turning out of the boarders from the hostel but also in another matter, has been the breeding ground of communalism. Even one of the High Court Judges——

Mr. SPEAKER: You must not bring in the name of any High Court Judge.

Maulvi ABDUL BARI: I was going to say that the Hon'ble the Chief Minister was justified in closing the college. So far as I know the Hon'ble Chief Minister, so far as I know his mind, so far as I know his heart, he is a great educationist himself and he will not think for a moment to close down the college for ever, but, Sir, if he has done it he has done so only for the time being in order to have the feelings of the two communities restored and in order also to enable the leaders of both the communities to come to a decision regarding the settlement of the boardings for members of both the communities. Under these circumstances, I think, the Hon'ble Chief Minister is quite justified in closing down the college. I am sorry that as a result of the closing down of the college some professors have been discharged, but the question of the discharge of professors is of minor importance to us; the important question is the closing down of the college itself. Mr. Banerjee has referred to the illustrious work that has been done

by the Rajshahi College, and we will be sorry to see the college being permanently closed down. I would again appeal to the Hon'ble Chief Minister, to the leader of the Opposition and also to my friend Mr. Pramatha Nath Banerjee whom I consider to be one of the most sane and sober gentlemen of the House to look into the question.

Mr. SASANKA SEKHAR SANYAL: Sir, what does the honourable member think of the other members of the House?

Mr. SPEAKER: Let his thoughts be with him.

Maulvi ABDUL BARI: Sir, I was delighted to see in the newspapers a statement to the effect that the Hon'ble Chief Minister has directed Mr. Pramatha Nath Banerjee, Mr. Maitra and our Deputy Speaker to go to Rajshahi and have the matter settled. I do not know if there is any truth in that statement, and if the statement is not correct I would also appeal to him to consult some persons who are above communalism from both communities and himself also be one of the members and go to Rajshahi and have the matter settled. I do not think, Sir, there can be any objection on this side of the House to that effect. If the Muhammadan students reside along with the members of the Hindu community in the same block there can be no objection. I can only refer to one fact, Sir. There is the Wesleyan Hostel at Rajshahi which is a Christian institution wherein both Hindus and Muhammadans are living amicably and are having food on the same table. There is no reason why such a circumstance cannot be created in the Rajshahi College hostel. That is a fact which I would appeal to the members of this House to consider. Therefore on these facts I would only like not only to support the motion in some way but also oppose it from another point.

At this stage the House was adjourned for 15 minutes.

(After Adjournment.)

Mr. PRAMATHA NATH BANERJEE: Mr. Speaker, Sir, I rise to support the motion without passion, without prejudice, without malice. Mr. Speaker, Sir, it is a sad and a bad day for Bengal when we cannot consider any question of administrative efficiency without reference to the communal bogey. May I begin my speech by reading out to you a portion of the address of the Hon'ble Sir Sikander Hyat Khan, the Chief Minister of the Punjab? The Hon'ble the Chief Minister is reported to have said: "As Premier of the first Punjabi Government let me inform you and others concerned that the best loyalty to the present Government is the effort which you individually and collectively can make to encourage inter-communal goodwill and that communal mischief from whichever quarter it may emanate shall be regarded by me as the worst form of disloyalty to the present Government, and in fact

to yourself, because the present Government is your own chosen Government. I wish also to announce that in future awards of State patronage and appreciation special premium shall be attached to genuine inter-communal goodwill and persons with unclean records on communal matters shall be excluded so long as I have any hand in their distribution."

Sir Sikander is a Moslem and he is the Chief Minister of a province where the Moslems command a majority; I should like to appeal to my friends just opposite to ponder over the words I have read out and to act accordingly. The question before the House is the closing down of an ancient institution like the Rajshahi College which was started ras a private school in 1828 when Lord William Bentinck was busy formulating his schemes of ameliorating activities in this country. It was raised to the status of a Zilla school in 1836 twenty-one years before our Universities were born and raised to a second grade college in 1873 with the assistance of the munificent endowment from the Raja of Dhubalhati. It was raised to the dignity of a first grade College with another munificent endowment from the Raja of Dighapatia to the extent of Rs. 1,50,000 and a subvention of Rs. 70,000 raised by the Rajshahi Peoples' Association. The College has lived more than 60 years and it has done useful work.

Mr. Speaker, Sir, I have read the official report which the acting Principal has sent to the University of Calcutta, with reference to this lamentable episode. On the 20th of August, 1937, the permanent Principal, Mr. J. M. Bose, left Rajshahi on holiday. On the 24th August, there was an order issued whereby two Moslem boys who should have in the normal course been accommodated in the Moslem Hostel were ordered to be put up in the Hindu Hostel, as a result of which some Hindu boarders went on a hunger-strike. As a good Brahmin supporting my friend, Mr. Maitra, another good Brahmin, I have never understood the ethics of hunger-strike, especially amongst our boys in schools and colleges. Then, the Principal in a fit of panic, ordered a modification of that order and the two Moslem boys were put back to their part of the hostel, and in the meantime communal bitterness grew to such an extent that certain hooligans were about to violate the sanctity of the college, as my friend, Mr. Bari has pointed out to the House just now. The result was that on the 28th of August, without consultation with the governing body of the institution, without reference to the local leaders of the University, the Government of Bengal closed down the college. Sir, I am not here to assess the guilt of the parties concerned. I am here to-night to raise my voice of protest against not only the closing down of an ancient institution hallowed by memorable traditions, but to raise my voice of protest against this unfortunate canker which is eating out the vitals of the whole nation, namely, communalism. It is up to us, everyone of us in this hall under the distinguished lead of the honourable leader of the House and the

honourable leader of the Opposition to meet and solve this apparently insoluble problem. The Hindus and the Moslems must live together in this country. We have been born here, we shall live together here and here we shall die. Sceptre and crown must tumble down and in the dust be equalled with the cruel scythe and the spade. Why can we not remember that the two great streams of civilisation will flow side by side till they mingle in the blue expanse of the ocean of Eternity, the great ocean of nationalism? Mr. Speaker, so far as this tragic incident is concerned, some one must have blundered and blundered very seriously. As I read the communique of the Government issued to the Press, it announces the closing down of the college; it does not say for what period. The closing down of a college is a very serious matter. It is such a serious matter that I do not think that the Ministry of Education was properly advised over this question. The question of closing down a college not only deals a serious blow to discipline of the boys, but its affects them vitally in two different matters. One is the question of transfer and the other is the question of percentage. These questions of transfer and percentage unfortunately are both determined by statute and according to the statute no transfer during the middle of the session is valid unless the Principal concerned to whom the transfer certificate is presented takes in the student. Secondly, Sir, with reference to the question of percentage, in the case of I.A. and I.Sc. and B.A. B.Sc. examinations, each student has to keep up 75 per cent. of the minimum number of lectures; in the case of I.A. and I.Sc. each student has to attend, I think, 140 lectures in all subjects other than the vernacular in which he has to attend 70 lectures. In the case of B.A. and B.Sc. all students have to attend 160 lectures. Sir, if there is illness, if there is unavoidable accident or if there is any other trouble in the family or to the students concerned, they will not, under the statute be permitted to take their examinations unless they receive a special dispensation from the Syndicate of the Calcutta University and unless they are permitted to appear as non-collegiate students. If they are admitted as non-collegiate students, they are under the statute once more debarred from all the benefits of prizes, scholarships and endowments. Why then, Sir, this communal punishment of a large number of students who were admittedly not guilty of indiscipline? I have never realised why students of the Hindu or Moslem community should be parked off from one another. I do not understand why the one or the other should treat his brother as an untouchable. After all, if nationalism must grow on healthy lines, all Hindu and Moslem boys must live together, must think together and must dream of the great ideal of the whole nation. They must dream of Bengal as the glorious land of their birth and as their motherland. The communique of the Government of Bengal further states that the college will retain only a skeleton staff. This is not permissible under the statute. Once a college which seeks affiliation has to satisfy the University authorities

that it has appointed or it proposes to appoint an efficient staff and that it continues to maintain a minimum number of professors and lecturers; unless this is done the college runs the risk of disaffiliation. The initiative in the matter of disaffiliation rests with the University authorities, the final sanction or the final veto rests with the Government of Bengal.

Sir, we have been told by Mr. Maitra that certain temporary professors and lecturers have been served with notices to quit. If the college is to be reopened within a measurable distance of time then why these notices have been served on the poor lecturers and professors in that institution? I am sure, Sir, that the Hon'ble the Chief Minister who happens to be the Minister of Education, for the time being, knows perfectly well the condition of affairs in that district. I am sure, Sir, that he loves his country quite as well as we do although our views may be divergent. I am quite sure he will impress on his mind that the closing down of an institution, be it a Government institution, be it one which lives on a subvention from Government or be it one living under public charity, is a tragic affair. The college consists of about 900 students, 250 of whom are Moslems. I am sure the Hon'ble Minister did not make any differentiation in the matter of religion. Even if he did so, he was unconsciously penalising 250 Moslem boys. This, I am sure, is not one of the consequences which the Hon'ble Minister contemplated when promulgating this order. This order has been born of suspicion, of distrust of disharmony. This order has grown adolescent on panic and let this order now die a natural death.

In the year 1921, I remember when the Mukherjee Retrenchment Committee had proposed the abolition of a neighbouring college, the Krishnagar College, one of the most prominent members of this legislature—the custodian of its rights and privileges said "Let the city of Krishnagar be drowned in the Khorai river flowing near by, but let the Krishnagar College live for ever". Let that be the motto of our present Chief Minister, the Minister for Education. I am sure, Sir, he is just as well a patriot as anybody else here and he will surely realise for himself, for his country and even for the faith in which he has been born, that the erasure of this college from the map of Bengal, an institution which has proved its usefulness for all these years, for nearly a century and a quarter, is a national disaster. I have no doubt the Hon'ble Chief Minister loves his country: but let him remember—"True love turns round on fixed poles, Love—that endures not sordid ends."

Mr. W. C. WORDSWORTH: Sir, those who have studied the habits of this Assembly will have noticed that Wednesday is one of the six days of the week on which Hindus and Muslims annoy each the other, and it may prove to be a day on which an unfortunate European annoys

everyone. I speak from a long experience and interest in education in India, and if I can do any small service in a delicate matter and help towards softening asperities I shall be proud and glad.

My attitude towards this particular problem I can set out in four preliminary observations:

The first is that I have no sympathy with students who go on hunger-strike, whatever the reason. To me it is a monstrous thing; it takes any cause at once outside reason, persuasion, discipline or outside ordinary human handling.

My second observation is that I am surprised that authority of any kind, principal or governing body or whoever it was, could be so insensitive to current conditions as to issue an order that would have this certain immediate inflammatory terrible effect. An authority that could do that, whether governing body or principal, must be entirely unsuited to the conditions in which all educationists must work in this province and in this country, and an authority so unaware of the conditions in which alone authority can be exercised ought not to be an authority at all.

My third point is that the closing of a big college, unless this was forced on government by any outside interference of the local public, because of the offence of a minority in the college, must be regarded as educational failure, defeat and calamity.

My fourth observation is that I speak in my personal capacity as a member of the House, and out of my personal knowledge and experience of these matters, and not on behalf of the European group. I do not suppose that anything I say will be repugnant to my group, except that some of the members behind me may gasp at first when I state the position on which a large part of what I have to say will be developed. And that is, that the young Bengali in his natural self and if not misled by outside interference or contaminated by outside example is one of the best disciplined and most easily handled people in the world.

We must remember that education in India is based upon one amazing and stupendous fact in natural history. That fact is this. The Bengali boy, the Indian boy in general, admires learning, respects his teachers, and goes to school early so as to get a place in the front row near the teacher. I say that is a stupendous fact in modern history, of which Europe cannot show the like. Only in one country in Europe is there a faint resemblance to this. That is Scotland. In the rest of Europe there is nothing like it, and in England if by any accident a boy were to find himself in school early he would certainly take a seat in the back row near the window.

On this difference the whole structure of education in India has been raised, and the whole science, so far as there is a science, of educational

administration and discipline has been constructed. The Bengali boy—and this is what I am going to say, the principle that I lay down—the Bengali school boy, or the Bengali youth at college, if left to himself in his natural condition, if not misled by bad examples nor perverted by malevolent interference, is one of the best disciplined and one of the most easily managed youths in the world. College discipline in India is for that reason comparatively easy to maintain, and—I speak from long experience—it would be very easy to maintain if there were never any outside corrupting influences.

But where in these days do we find the Bengali boy or youth who is not being subjected to damaging influences from without? Where in this province do we find a college that is not interfered with by outside people for some political, some communal, or some other purpose that has no relation to education? And where does the Bengali boy find in his surroundings any good standard of discipline that he can intimate? I myself was principal of a great college in Calcutta for many existing years, and, Mr. Speaker, I doubt whether my anxieties about discipline were greater than yours must be as head of this institution. Is there any discipline in political parties? The Leader of this House appears to have grave suspicion that the discipline of at least some parties is not what it should be. Is there discipline in our civil life? We have riots, every kind of riot, religious, communal, about this and that. We have citizens instigating these riots. We have spectacle of men of position using students in disturbances for their own sectional purposes. Do we find discipline in our industries? Two days ago we were told in this House that there are men in Bengal who for their own material advantage or otherwise to enhance their position deliberately provoke strife and set workers against employers. Finally, do we find perfect discipline in the Indian home? I doubt it. If discipline in the home were what it should be, then there would not be those occasional outbreaks of unrest in educational institutions. Nor would there be boys of 14 and 15 contaminated by terrorist organisations. For our schools are day schools, and boys spend more time at home than in school.

Some of us must have been surprised at what happened two or three years ago in some parts of East Bengal, when to bring small boys round to a proper outlook on life grown-up men, men of distinction many of them, formed themselves into bands and went round the schools delivering what you might call moral lectures. The peculiarity of the thing was that in going round these schools they were lecturing their own sons, with whom they may have breakfasted an hour or two before. I do not say there was no profit in doing this. On the contrary, there was much profit. Several of those gentlemen, I believe, became Rai Bahadurs, for their heroism, and their heroism deserved that reward. But the peculiarity that strikes many of us is that fathers of boys who dive in their own homes can instinctively think that the proper way to

inculcate discipline among their own children is by polished periods in public. Whereas the average father in my country would instinctively think of the polished back of a hair brush in private or a flat piece of wood, polished or unpolished.

Now I come back to the college for a minute. I have said that I can find no sympathy for hunger-strikers. When this begins college discipline must disappear. It has ceased to be a matter for college authorities at all: it is now a matter for parents, and parents must accept responsibility. I am afraid that people with more experience of these things and more resources than those in educational institutions also have failed to find out what should be done to meet a crisis of hunger-striking. If the local populace at Rajshahi intervened the problem by that alone becomes more than an educational problem. It becomes a political problem, and I say nothing about that. If the college is to be closed—it has been closed, and what I have read in the newspapers indicated that it is to be closed for some time—then I repeat it is a disaster to education. No one in charge of medical administration would close down a hospital if a number of patients developed a high temperature. If there is no one in the Education Department who is capable of pulling a college round to normal when it has got into this condition, I can only conclude that our educational services have been allowed sadly to deteriorate. If it is contemplated to close the college for a considerable time, I would advise Government rather to consider the advisability of deprovincialising it at once, provision of course being made for the protection and preservation of the existing and accruing rights of Government servants in the institution, and to hand over the college to a local committee with suitable grants. I am sure Rajshahi could find a local committee that would manage a great college of this kind competently.

Sir, I have probably said some things that have annoyed some members of this House. I shall now make amends by saying something that will please everybody. It is this. This Assembly is the pick of the brains of Bengal. Having said this, I would point out what a poor use we sometimes make of these fine brains. We waste our time, our energy, and our brains in fear and suspicion and hatred. We are unable to work together, keeping the welfare of this great province steadily before us, because we happen to belong to different sub-sections of the human race. I sometimes think of the effect of all these things on the small Bengali school boy. You can imagine him in his hundreds of thousands sitting down in mystification and saying to himself. My father hates his father, my uncle loathes his uncle, my grandfather abnominated his

Mr. SPEAKER: Mr. Wordsworth has reached his time-limit. He has spoken for full 15 minutes, and I am sorry I have no power to grant him more time.

I understand that Mr. Sarat Chandra Bose is anxious to speak before the Chief Minister; on the other hand the Chief Minister will also require full 15 minutes to reply to the debate. So, I would request Mr. Bose not to take more than 5 or 6 minutes.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, I rise to support the motion of my friend Mr. Surendra Mohan Maitra, and I desire to support it on the short ground that nothing that has happened at Rajshahi is any justification whatever for closing the Rajshahi College indefinitely. I am aware that there have been some differences, religious or communal, as between the Hindu students and the Muhammadan students there. Now, I desire to make it clear that orthodoxy —narrow orthodoxy—whether of the Hindus or of the Muslims makes no appeal to me; it has never made, it never will. Sir, if you analyse the situation for a moment, you will find—and I hope the House will agree with me—that these little differences, these petty differences, should have been solved by the College authorities or by representatives of Government in a spirit of reasonableness, with tact and with vision. My friend Mr. Abdul Bari to whom I am thankful for never forgetting me on any single occasion—either he has the vision of a multi-millionaire when he thinks of me or of a person who at one time in his life drew a big allowance from the State—rightly put a question to me as to why I was lecturing near the Ochterloney Monument or at the Shraddhananda Park the other day and did not proceed to Rajshahi. Possibly, the House is not aware that a suggestion was made from this side of the House and it was duly communicated to the Government, that prominent members on this side of the House, including the Leader of the Opposition, were willing to go to Rajshahi in order to attempt a solution of the troubles there, but no reply was received to that communication. (The Hon'ble Mr. H. S. Suhrawardy: Why did you not go there? Nobody prevented you.) Sir, if I wanted an opportunity to speak before the Chief Minister, it was because of certain reasons. I have in my hand here photographic copies of certain telegrams which were sent from Calcutta, and which I can pass on to the Chief Minister, if he wants, for his inspection. I find that on the 29th August a gentleman, who signed himself as "Munir," sent a telegram from Calcutta to one "Habibuddin," New Moslem Hostel, Rajshahi, in these terms: "Premier sympathetic: Government passed orders closing Rajshahi College pending settlement: no anxiety." I do not know, Sir, if this "Munir" is a member of this House; nor do I know if the Chief Minister knows that such a telegram was sent. But now that this information is placed before him, I hope he will take steps to trace this gentleman and find out why, instead of pouring oil over the troubled waters at Rajshahi, he sent a telegram which must have had

the effect of inflaming the minds of the Muslim students. Next, Sir, there is a photographic copy of another telegram which I have in my hand and which purports to have been sent by the Chief Minister. If it is a fact that it was sent by him, he owes an explanation to this House and the province for having done so. If however he did not send this telegram, I hope he will take steps to trace the offender who used his name in this surreptitious manner. This telegram is numbered 22, and was sent from Calcutta to one Dr. J. Ahmed and a copy of the same was sent to the same Habibuddin. It reads: "Have closed College preliminary further steps but please ask our boys not to be perturbed. Assure them of my abiding solicitude for their welfare." This telegram was sent on the 30th August, but the public did not know until the 2nd September that orders had been passed by Government closing this College. These are serious matters—matters which, to my mind, had the effect of increasing the tension of feeling between the two communities of students there. Sir, the Rajshahi College is not a communal institution; it is a purely educational institution, and it should be looked at form the point of view of the province as a whole which, in my opinion, is not one of Hindus against Muslims or Muslims against Hindus, but our common province for common purposes. I would make this appeal to the members of the House and the public outside—let not profane hands, whether Hindu or Muslim, be allowed to touch this institution. Let not blasphemous words—blasphemous either to Hindus or Muslims—be allowed to be uttered in respect of this institution. I would appeal to the House and to the public outside to allow this institution to remain, as it has been in the past, a sacred temple of learning for the diffusion of learning amongst all classes of students—Hindu, Muslim, Budhist, Christian, Sikh, and others.

The Hon'ble Mr. A. K. FAZLUL HUQ: I had great hopes when my friend, Mr. Sarat Chandra Bose, rose up to speak that he would lead the House into a mood calculated to bring about peace and amity, but it is extremely unfortunate that Mr. Sarat Chandra Bose has delivered a speech soaked with communalism from beginning to end (Question). I have got a very long story to tell about Rajshahi, its College and its adaptability to communal differences, but the time at my disposal is short, and I shall content myself with giving only a few facts. The trouble arose only out of the location of three Muslim students in one of the Hindu blocks of hostels attached to the College. Sir, we have heard a lot about the munificence of Dubalhati, Putia and Dighapatia. Let me remind the members of this House that behind the generosity of those Hindu zamindars lies the munificence and generosity of generations of Muslim Emperors and Sovereigns, and that these very princely houses of Dubalhati, Putia and Dighapatia themselves owed their existence to the generosity of Muhammadan Emperors (three cheers). One word more, Sir, about donations. I find that a

scheme for the construction of hostels for Hindu students was administratively approved on the promises of the Dighapatia family to contribute Rs. 30,000,—Rs. 12,000 by Raja Promoda Nath Roy and Rs. 18,000 by Mr. Basanta Kumar Roy, Rs. 13,000 was paid through the then Principal, through the Rajshahi Association but it was ultimately refunded and the entire promised contribution remained unpaid. (Shame, shame.)

Mr. SPEAKER: Order, order. Such cries are becoming too frequent to bear.

The Hon'ble Mr. A. K. FAZLUL HUQ: And the cost finally sanctioned was paid entirely from provincial revenues. I may mention in passing that the terms Hindu hostels and Muslim hostels applied to these buildings are slightly inaccurate and misleading. The cost for all the buildings have been met by Government from provincial revenues and Government have got the absolute right to utilise these hostels in any manner they think fit and proper. The mere fact that a building is being occupied at a particular moment by the members of a particular community does not give that community any prescriptive right to occupy that building, and Government have got the right to shift students from one building to another for the sake of discipline, for the sake of better housing and for other purposes for which hostels generally exist. Now it so happened that just before these incidents took place, the students were divided in this manner. There are six blocks,—each block consisting of 14 rooms —12 large and two small. According to the Public Works Department regulations at the rate of 4 students to one room, each block can accommodate about 50 students and in practice some of the rooms are used as common rooms, as prayer rooms, as rooms for the residence of monitors and superintendents. Just before these incidents took place, the distribution was like this. There were 43 Hindu students in block No. 1; block No. 2 was entirely vacant; there were 37 Hindu students in block No. 3, 27 Hindu students in block No. 4 and 40 Hindu students in block No. 5 and 39 Muslim students in block No. 6. Let me add further that according to the statement of the Principal, there were 41 Muslim students who were actually in residence and several others who had applied but could not get accommodation, and as many as 33 were living in three private messes situated in the midst of the most unhealthy surroundings. Just before these happenings, room had to be found for three Muslim boys and because block No. 2 was entirely vacant, the then Principal, Mr. Bose, directed that three extra Muslim boys should be accommodated in block No. 2. I ask this House to consider what was wrong with this order. The building was vacant; three boys had to be accommodated, and the Principal in the best interests of all decided that those three boys should be accommodated in the hostel. Now, Sir, the Hindu boys took objection to

that. They went on hunger-strike. And not only that, there were of the governing body of the College took part in the proceedings and and in those meetings it is my painful duty to state that three members of the governing body of the College took part in the proceedings and actually censured the Principal for his action and his order.

Now, Sir, I submit that this was an act of rank insubordination on the part of the Hindu students. Fortunately, however, the hunger-strike was only a sham, because although the boys did not take their meals in the hostels, they were having their meals outside. The news that was published in the columns of Calcutta dailies in bold headlines that the lives of the boys were in danger, was nothing but a canard,—a lie which was known to those who circulated it and which was as shameful as it was uncalled for. Then, Sir, when the Principal found that the Hindu students could not be reconciled to the location of three Muslim students in block No. 2, he immediately ordered that Muslim boys should move on to their own block and he passed further orders closing block No. 1 and directing that the Hindu boys should go to block No. 2. Upon this, there was again not merely a hunger-strike but a strike amongst the students refraining from attending the College. The Principal himself, so far as this part is concerned, wired to the Director of Public Instruction saying that the Muslim students in the Hindu block showed splendid loyalty by obeying his orders to vacate but the Hindu boarders did not carry out the orders to vacate block No. 1 within prescribed time. This has created great disappointment among Muslim students and public and angry demonstration at 11 at night. Vacating time to Hindu students was extended by 4 days on ground of physical weakness through fast. Hunger-strike given up but situation very grave.

After this, there were demonstrations and counter-demonstrations, and there were cries of "Bandemataram" and "Allah-ho-Akbar," and I have got definite evidence that the students were preparing for a homicidal fight amongst themselves. Let me tell this House that if there had been a little delay on our part, a little wavering, the streets of Rajshahi might have been deluded with blood, and the flame of communal passion would have spread far and wide. Sir, the only thing that weighed on us in closing the College, not for all times but temporarily, was to let things simmer and to let leaders of both the communities confer and come to an agreed settlement. I have no time to go further into facts. I even now appeal to my friend, Mr. Sarat Chandra Bose, and my friend, Mr. Banerji, I appeal to them—even if no one else has told them—I appeal to them in the name of good-feeling and fellowship to go to Rajshahi and settle the matter in consultation with Muslim leaders, and I shall accept their decision if it is an agreed one and pass orders accordingly

I admit that the situation is somewhat difficult, but I am confident that if my friends intervene, the combined statesmanship of the leaders of the two communities at Rajshahi will find out an agreed and satisfactory solution of the problem of hostel accommodation for the various students of the Rajshahi College. I look upon the Rajshahi case as affording a test of our fitness for solving our communal problems in a spirit of perfect friendliness, and brotherhood, animated by feelings of equity and justice to the legitimate claims of all the various communities in the country.

I have got nothing further to add, and I do not wish to embitter the situation. I appeal to all, both here and outside, to intervene and let us have an agreed settlement because unless this settlement is arrived at, it is useless to say that the College should be opened and should continue, because if we allow the College to be opened under present conditions there will be communal troubles. All that we want is that these communal differences should be settled, settled once and for all.

(At this stage, several members suggested that the discussion should be closed.)

The closure motion was put and agreed to.

The original adjournment motion was then put and lost.

Mrs. HASINA MURSHED: I beg to move that this Assembly is of opinion that "*Fateha Yazdahum*" on the 11th Rabius-Sani of every year be declared a gazetted holiday.

Mr. Speaker, Sir, in rising to move this resolution I consider, Sir, that I am performing at once a pleasant and a sacred duty.

It is, I think, necessary, to explain briefly to my hon'ble colleague in this House the significance of "*Fateha-Yazdahum*" which is the subject matter of this resolution. I am sure I am correct in saying that the Mussalmans all over the world regard Hazarat Shaikh Abdul Quader Mohiuddin Jilani as one of the greatest Saints that the world has ever known. The "*Fateha Yazdahum*" commemorate the death anniversary of this great Saint. The Oriental Biographical Dictionary by Beale describes this great spiritual leader in the following words:—

"Abdul Quader Jilani (Shaikh), also called Pir-e-Dastgir and Gousul-Azam Mohiuddin, is a Saint, who is said to have performed a number of miracles during his life-time. He was born in Gilan in Persia, in the year A.D. 1078, A.H. 471, and was greatly revered for his learning, his piety and the sanctity of his manners. He died on the 22nd February, 1166 A.D., 11th Rabius-Sani, 561 (A.H.), aged 91 lunar years, and is buried at Bagdad. The order of Dervishes, called after him the Quadiries, acknowledge him as founder. His tomb is held in high veneration amongst the Muhammadans. He is said to have

written many books on Mystical Theology, amongst which are the Fatutul-Ghaib, Malfuzat-i-Qadiri in Arabic, and a translation of the same in Persian, named Malfuzat-i-Jilani."

Most of his Oriental Biographers give him a place next to that of the Prophet himself. As far as I am aware, almost all the eminent Imams and Ulemas such as Hazrat Ibni-Hajar-e-i-Asqualani, Imam Shirani, Imam Ahmad, Ibni-Hambal and many others down to Hazrat Moulana Jaami and Moulana Abdul Huq, the great Muhaddis of Delhi, have with one voice affirmed the unique and unparalleled leadership of Hazrat Ghausal Azam and have stigmatized those who disown his spiritual leadership as "Fasiqs."

It is, therefore, in the fitness of things that the sanctity of such a sacred occasion should be signalised by the grant of a holiday.

I am sure the House will agree that the request made in the resolution is a modest one. It is unthinkable that a Saint of such an eminence as Hazrat Ghausal Azam should not have his death anniversary commemorated by the grant of a holiday.

It may be argued that there have been many other Saints, Imams and even prophets and therefore the grant of a holiday in this particular case will lead to demands for holidays in those cases also. But I submit, Sir, that such a demand cannot be seriously put forward for the simple reason that the number of such eminent personages is too large to bring the consideration of the question of granting holidays for their death anniversaries within the range of practical politics. The only practical course open to us is, therefore, to pay our homage of reverence by declaring holidays on the occasions of the death anniversaries of the chief representatives of the different categories of holy personages. It is well known that the holy personages mainly fall into three classes, namely, *Prophets*, *Imams*, and *Aulias*. Among the prophets, the chief is the Holy Prophet of Arabia; and among the *Imams*, the greatest are the two brothers the two Martyrs of Kerbala. Among the *Aulias*, the greatest is undoubtedly Hazrat Ghausal Azam. "*Fateha Duazdahem*" and the "*Mohurrum*" holidays commemorate the anniversaries connected with the events in the lives of our Holy Prophet of Arabia and the two greatest *Imams* respectively. We, therefore, claim a holiday as a mark of respect to the memory of the greatest *Wali Allah* Hazrat Ghausal Azam.

It will not be, I hope Sir, out of place to mention that the religious sentiments of the Mussalmans have been treated with scant courtesy as is illustrated by the niggardly distribution of Muslim holidays. For instance, out of forty-three holidays only six are allotted to the Mussalmans, while out of seven local holidays, two are Moslem holidays. Thus in a total of fifty, Mussalman holidays account for, as few as eight. This, I submit Sir, is a most inequitous distribution; nor can this be justified on the plea that the occasions for granting Muslim

holidays are limited. It is regrettable to observe that the late Government developed a tendency towards a progressive reduction of Muslim holidays and a corresponding increase in others. The number of holidays which used to be allotted to the Mussalmans in previous years for *Moharrum Sharif, Idul-fitr, Iduzzoha,* etc., was considerably reduced. This I submit, Sir, is most unfair.

While it is not our intention, Sir, to compete with others in demanding increased periods of suspension of the normal pursuits of life, we feel, nevertheless, due consideration has not been given to our religious susceptibilities in the existing distribution of holidays. I should like to make it clear that the demand embodied in this resolution is based not upon a puerile desire to equalise our holidays with those of others, but upon a necessity which is real. It is a matter of common knowledge that the ceremony connected with the "*Fateha,*" consists among other things, in the religious *rites* which are performed at night and are continued until the small hours of the dawn. This is followed by the distribution of the sacred food to all and sundry in the morning. It becomes almost impossible for our male members to attend to their usual work after the strain imposed on them. It is, therefore, necessary that they should have a little rest on that day, this is another reason why the holiday is necessary.

Before I conclude, Sir, I should explain that by "Gazetted holiday" I mean a non-Act holiday as opposed to one under the Negotiable Instruments Act.

Before I resume my seat, Sir, I should like to appeal to every member of this House not to veto this resolution on political or secular considerations. I implore the House, in the name of religion, to consider the very serious implications of rejecting this resolution. I dare not contemplate, with equanimity, the contingency of the House refusing to accept this resolution, for such a refusal will amount to a vote of censure on religion itself. With these words, Sir, I submit my resolution to the judgment of the House.

Mr. ABDUR RAHMAN SIDDIQI: I have a request to make through you to the Government. They should let us know their policy in regard to the problems before the House so that we may be enabled to formulate and put forward our views before the House. I hope you will be pleased to accept my suggestion and request the members on the Treasury Benches to take part earlier in the discussion and, in the present instance, to induce the Minister in charge, to let us know what attitude the Government is going to adopt on this question, because there are some members who may want to say something on the subject after they know the views of the Government. I think I am not wrong in stating, Sir, that to a similar request made by me some days ago you were good enough to rule that it would be helpful if Ministers spoke earlier in a debate.

Mr. SPEAKER: Order, order. I think it would be better if we take this up to-morrow.

Mr. SARAT CHANDRA BOSE: I am sorry I did not get an opportunity to say something which was uppermost in my mind when the adjournment motion was put. I desired at that time to tell the House that Mr. Pramath Nath Banerji and I accept the offer of the Hon'ble Chief Minister. We are prepared to go to Rajshahi at an early date and give our decision on the matter. I hope, Sir, that, as stated by him, the Hon'ble Chief Minister will accept our decision.

The Hon'ble Mr. A. K. FAZLUL HUQ: If my friends Mr. Bose and Mr. Banerji go there I would suggest that they would not look into what had already happened: let us forget the past and all that happened in the past: let us look with our eyes to the future. Let us not take up the attitude of punishing the erring boys—they are after all boys. But I want my friends to solve the question of hostel accommodation once for all at Rajshahi. There has been trouble in the last few years and we want to see an end of all these things, which are as disgraceful to them as to ourselves. I am very glad that my friends have accepted my suggestion.

Mr. SARAT CHANDRA BOSE: May I assure Government through you, Sir, that the suggestions of the Hon'ble Chief Minister will certainly be uppermost in our mind. As far as we are concerned, we do shout "Bandemataram" with religious fervour: but I may add that "Allah-ho-Akbar" also makes a special appeal to us (hear, hear).

Adjournment.

The House was then adjourned till 3-45 p.m. on Thursday, the 9th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 9th September, 1937, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 217 members.

STARRED QUESTIONS

(to which oral answers were given)

Promotion of qualified teachers to the posts of lecturers.

*108. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that—

(*i*) the system of promotion of highly qualified teachers of the school department to the posts of lecturers has recently been stopped; and

(*ii*) raw recruits are being taken in preference to better qualified persons in the department with long experience?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of stopping this new system of recruitment as far as possible and reviving the old system to attract better men in the department?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) There is no regular system of promotion from school posts to college posts. Twenty-one officers were thus promoted during the eleven years 1916-1926 and 7 officers during the nine years 1929-1937.

As a rule vacancies in the grade of college lectureship are advertised by the college concerned and the Governing Body of the college makes recommendations to the Director.

(*b*) Government have no intention of changing the present procedure of recruitment to the posts.

Secretary, Intermediate and Secondary Board of Education, Dacca.

***109. Mr. ABDUL HAKIM VIKRAMPURI:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) Whether he is aware that the permanent Secretary of the Intermediate and Secondary Board of Education, Dacca, was transferred on promotion some time ago and that a gentleman is officiating as Secretary for over a year?

(*b*) Why the appointment of a permanent Secretary is being deferred?

(*c*) Whether there is any likelihood of the appointment being made in the near future? If so, when?

(*d*) Whether it is the intention of the Government to make the appointment in accordance with the notification on the subject?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) to (*d*) The question is under consideration and permanent arrangements will shortly be made.

Appointment of Professorship of Chemistry in Rajshahi and Krishnagar Colleges.

***110. Mr. ABDULLA-AL MAHMOOD:** Will the Hon'ble Minister in charge of the Education Department be pleased to state that only one Muhammadan candidate was given interview by the Bengal Selection Board for the appointment of Professorship of Chemistry in Rajshahi and Krishnagar Colleges and Mr. Ahmed Hossain, Professor of Chemistry in Islamia College, though applied was given no interview?

The Hon'ble Mr. A. K. FAZLUL HUQ: Such information is of a confidential character and cannot be supplied.

Mr. ABDULLA-AL MAHMOOD: Is the Hon'ble Minister aware that the Muhammadan candidate who was given interview was a better candidate than Mr. Ahmad Hossain?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know, Sir.

Clerks in the offices of the District Inspector of Schools.

***111. Maulvi ABDUL JABBAR:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware of Government order No. 1006 Edn., dated the 13th March, 1928, which accorded administrative approval to the revised scale of pay for some clerks in the offices of the District Inspector of Schools?

(*b*) Will the Hon'ble Minister be pleased to state whether he intends to give effect to the said revised scale? If so, when? If not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) As the orders in question are not intended for public information the questions do not arise.

Maulvi ABDUL BARI: Was the order mentioned therein circulated to the different heads of the department in the districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know.

Number of schools and madrasahs in 24-Parganas.

***112. Mr. JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total number of (1) high English schools, (2) middle English schools and (3) junior madrasahs in the district of the 24-Parganas (rural areas);

(*ii*) the numbers under each such category that are or are not receiving Government grant-in-aid;

(*iii*) the percentage (in reference to respective totals) of (1) middle English schools and (2) junior madrasahs not receiving such grant in the above area;

(*iv*) the amounts of Government grant paid to junior madrasahs in the years of (1) 1917, (2) 1927 and (3) of 1937 in the above area;

(*v*) the numbers of—

(1) Board's free primary maktabs,

(2) Board's primary maktabs,

(3) Board's *panchayeti* maktabs,

(4) Board's *panchayeti* girls' maktabs, and

(5) Board's girls' maktabs, in the above area;

(*vi*) the number of girls' primary schools in the above area receiving recurring monthly grants classified as under management of—

(1) Christian community,

(2) Hindu community, and

(3) Muslim community;

(*vii*) the amount of Government contribution paid to the District Board to supplement the stipends to teachers of maktabs in the rural areas of the 24-Parganas during (1) 1907, (2) 1917, (3) 1927 and (4) 1937;

(*viii*) the number of non-Muhammadans employed as teachers of maktabs and madrasahs, and the number of Muhammadans employed as teachers of *tols* in the district of the 24-Parganas (rural areas) during 1937;

(*ix*) the names of Muslim officers appointed to the post of District Inspector of Schools, 24-Parganas, and the periods of their stay in the office since the creation of the post;

(*x*) the average monthly pay (including stipends, etc.), received by a primary school teacher; and

(*xi*) the number in 1936-37 of (1) primary schools including maktabs and (2) the teachers in those schools in the rural areas of the 24-Parganas?

The Hon'ble Mr. A. K. FAZLUL HUQ: The information is not readily available.

Port and Dock workers' strike.

*113. **Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that the last Port and Dock workers' strike (November and December, 1934) was conducted by a lawfully constituted and registered Trade Union, viz., the Port and Dock Workers' Union?

(*b*) Is it a fact that the Port and Dock Workers' Union was declared an unlawful association early in 1935?

(*c*) Will the Hon'ble Minister be pleased to state precisely the ground on which a registered Trade Union was declared unlawful?

(*d*) Will the Hon'ble Minister be pleased to state whether the opinion of the Advocate-General was taken as to whether a registered Trade Union can be declared an unlawful association?

(*e*) Is it a fact that immediately before the Port and Dock Worke Union was declared an illegal association another Union called t Calcutta Dockers' Union was formed as a rival organisation to t Port and Dock Workers' Union?

(*f*) Is the Hon'ble Minister aware of the persons responsible for t formation of this rival organisation and its President?

(*g*) Is it a fact that this Calcutta Dockers' Union is not a *bona fi* registered Union?

(*h*) Is it a fact that the Port and Dock workers formed a ne organisation called the Dock Mazdoor Union in 1935 and that it is t only registered Trade Union of the Port and Dock workers?

(*i*) In view of the fact that the Dock Mazdoor Union is the on registered Trade Union of the Port and Dock workers, will t Hon'ble Minister consider it desirable to recognise it as the only du constituted Union of the Port and Dock workers and direct th employers of the Port and Dock workers to do likewise?

MINISTER in charge of COMMERCE AND LABOUR DEPART MENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) I am informed tha the Port and Dock Workers' Union, which at that time was a registere Union was responsible for the strike in question.

(*b*) and (*c*) Yes, in March, 1935, under section 18 of the India Criminal Law Amendment Act, 1908 (XIV of 1908), by a notificatio issued by the Political Department of the Government of Bengal fo having for its object interference with the administration of law an with the maintenance of law and order and because it constituted a danger to the public peace.

(*d*) No: there was no need to take such opinion.

(*e*) The Calcutta Dockers' Union came into existence some month prior to the declaration. I am not aware that it ever purported t be a rival organisation.

(*f*) Dock workers were responsible for its formation. I was the President.

(*g*) No: the Union is a *bona fide* registered Union.

(*h*) Such a Union was registered in February, 1936. It is not the only registered Union of the Port and Dock workers.

(*i*) Does not arise.

Mr. SIBNATH BANERJEE: Is the Hon'ble Minister still the President of that Union?

The Hon'ble Mr. H. S. SUHRAWARDY: No, I am not.

Mr. SIBNATH BANERJEE: What are the reasons for not granting recognition to this Union?

The Hon'ble Mr. H. S. SUHRAWARDY: It has not even applied for recognition.

The word "Bandemataram."

*114. **Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) whether "Bandemataram" has been accepted as a Government slogan as it appears at the end of the Budget speech; and

(*ii*) whether that word was inserted there on joint responsibility of the Cabinet?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): No.

Mr. ATUL KRISHNA GHOSE: Has Government any slogan of its own and if not, has it any objection to adopting "Bandemataram"?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government do not go in for any slogan.

Mr. PROMATHA RANJAN THAKUR: Is that word "Bandemataram" in any way offensive to Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, it is not.

Mr. AHMED HOSAIN: Will the Government see that such a thing is not repeated on Government publications?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not see any reason why an individual member may not use the word "Bandemataram", if he so chooses.

SHORT-NOTICE STARRED QUESTION.

Distress in the Patuakhali subdivision, Bakarganj.

*114A. **Maulvi ABDUL WAHAB KHAN:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that acute distress has been prevailing in the district of Bakarganj, particularly in the subdivision of Patuakhali?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state, thana by thana, showing the varying degree of acuteness of distress and the number of villages and an approximate number of people affected?

(*c*) Is the Hon'ble Minister aware that the District Board has started test relief works of the value of Rs. 1,500 through the agency of the Union Boards?

(*d*) Is the Hon'ble Minister aware that the aforesaid sum has proved inadequate for the purpose of giving relief even in any particular form?

(*e*) Will the Hon'ble Minister be pleased to state the amounts distributed or proposed to be distributed by the Government by way of gratuitous relief and agricultural loan in the areas affected by the distress?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) I am aware there is distress in Patuakhali subdivision.

(*b*) The distress is greatest in Mirzaganj, Betagi, Barguna, Amtali and Galachipa police-stations. The further information desired is not at present available.

(*c*) Yes, except that I am not aware of estimated cost of the test works.

(*d*) No. But if so, no doubt the District Board will start additional works. It is the Board's duty to do so, if necessary, under the Famine Code.

(*e*) Rupees 88,246 have been allotted to the Collector for agricultural loans and Rs. 2,000 for gratuitous relief. Further amounts if required will be sanctioned in consultation with the Collector.

Maulvi ABDUL WAHAB KHAN: Is not the amount of Rs. 2,000 for gratuitous relief inadequate for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. The Collector thought Rs. 2,000 would do for the present.

Babu NAGENDRA NATH SEN: With reference to answer (*g*), under what statutory provisions, it is the duty of the District Board to do so?

Mr. SPEAKER: It is stated in the answer—under the Famine Code.

A Member: Is the Government aware that loot is going on in the affected areas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. Government have no information.

Mr. JOGESH CHANDRA GUPTA: How is it that the granary of Bengal is suffering from this acute famine?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are three causes; there was a rinderpest epidemic last year causing considerable loss of cattle. Then there was a flood. Insectpest also causes loss of paddy.

Mr. SYED JALALUDDIN HASHEMY: Having regard to answer (*b*), will the Hon'ble Minister class this distress as famine or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is scarcity, Sir.

Khan Sahib Maulvi SYED AFZAL: Is it not a fact that two women recently died from starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. DHIRENDRA NATH DATTA: What is the area affected?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The southern part of Patuakhali has been affected.

Mr. DHIRENDRA NATH DATTA: What is the total area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not know.

Khan Bahadur Maulvi HASHEM ALI KHAN: Does the Hon'ble Minister admit that no test work is possible to be undertaken by the District Board during the rainy season?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. ABUL HOSSAIN AHMED: What is the rate of 100 cubic feet of earth-work?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The rates are laid down in the Famine Code and Government have to follow those rates.

Mr. ABUL HOSSAIN AHMED: Where have the gratuitous relief operations been started?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not aware Sir. It is left to the discretion of the District Officer.

Maulvi ABDUL WAHAB KHAN: Is the Government aware tha there is an apprehension of the failure of the *Aman* crops for want o seedlings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are fully aware of that and agricultural loan is being given to enable the agriculturists to purchase seedlings.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Education cess in Mymensingh.

102. Khan Sahib HAMIDUDDIN AHMAD: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that notices were issued by the Collector of Mymensingh imposing education cess in the district from the month of April last; and

(*ii*) that the collection of the cess already imposed has not yet begun?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the delay in beginning the collection?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The first instalment of the cess was to be paid by all tenants to their respective landlords by the last day of *Asharh* which corresponds to the 14th July, 1937. From the *zamindars* the first instalment will be due on the 28th September.

Mr. BIRENDRA NATH MAJUMDAR: Have the tenants paid the first instalment of the Cess to their respective landlords by the 14th of July?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know and I want notice.

Enforcement of the Bengal (Rural) Primary Education Act in Mymensingh.

103. Khan Sahib HAMIDUDDIN AHMAD: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the District School Board of Mymensingh has very recently passed an unanimous resolution requesting Government to give effect to the Bengal (Rural) Primary Education Act, 1930, in the district of Mymensingh without any further delay?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the question of giving effect to the resolution is under contemplation?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The Act was brought into force in the district of Mymensingh with effect from the 1st January, 1937.

(*b*) Does not arise.

Jessore-Khulna Youth Association.

104. Mr. ATUL KRISHNA GHOSE: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that the Jessore-Khulna Youth Association has been declared unlawful?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*c*) Are the Government prepared to remove the ban now?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) This Association has not been declared unlawful.

(*b*) and (*c*) Do not arise.

Vehicles passing on full speed.

105. Mr. J. N. GUPTA: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether there is any order to prevent the drivers of buses, taxis and motor cars from passing on full speed alongside the tramcars when passengers get in and alight from the tramcars?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no rule prohibiting vehicles passing on either side of a stationary tram car, but reckless driving is punishable under section 5 of the Indian Motor Vehicles Act, 1914, which is reproduced below for my hon'ble friend's information

Section 5 of the Indian Motor Vehicles Act, 1914.

"Whoever drives a motor vehicle in a public place recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the place and the amount of traffic which actually is at the time, or which might reasonably be expected to be, in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees."

Mr. SYED JALALUDDIN HASHEMY: In view of a larger number of daily accidents in Calcutta, does the Hon'ble Minister think it necessary to amend the Motor Vehicles Act as early as possible?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. J. N. GUPTA: Is it not a fact that some sort of accident is happening daily when getting into and out of tramcars?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I am not aware of that.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware that accidents are happening daily in the streets of Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. J. N. GUPTA: Does the Hon'ble Minister desire to issue instructions to the Motor Vehicles Department to observe such restrictions as are necessary for preventing accidents?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a request for action.

Mr. SYED JALALUDDIN HASHEMY: Is it not a fact that such accidents are due to the negligent driving of the Punjabi drivers?

Mr. SPEAKER: You have left out the Hindustanis for the time-being, it seems! (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I am not aware.

Mr. SYED JALALUDDIN HASHEMY: Does the Hon'ble Minister think it desirable to grant licenses to Punjabi drivers in view of their rash driving?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a very big question which cannot be answered off-hand on a supplementary question.

Mr. SANTOSH KUMAR BASU: Is there any special staff in Calcutta for administering this particular section of the Motor Vehicles Act which is quoted here?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. We have got our Traffic Inspectors to see whether any car is exceeding its speed-limit or not.

Mr. SANTOSH KUMAR BASU: What is the number of Traffic Inspectors in Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Muhammadan officers in the rank of Bengal Educational Service (Senior and Junior).

106. Mr. ABDULLA-AL MAHMOOD: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the Presidency of Bengal, the number of Hindu and Muhammadan officers in the rank of Bengal Educational Service (Senior and Junior)?

(*b*) Will the Hon'ble Minister be pleased to state the proportion of the total number of appointments in each of these services mentioned above reserved for duly qualified Muhammadans?

(*c*) Will the Hon'ble Minister be also pleased to state—

(*i*) whether the rules regarding the proportionate number of appointments for Muhammadans have not been observed; and

(*ii*) the steps proposed to be taken by Government to see that the rules are strictly observed in all the departments?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement is laid on the Library table.

(*b*) In accordance with rule 12 (I) of the Recruitment Rules for both the Bengal Senior Educational Service and the Bengal Educational Service, Government reserve the right, in making direct appointments, to call for recommendations from the Public Service Commission for nomination of suitable qualified Muslims for appointment in any vacancy with a view to securing that the percentage of Muslims in the

Bengal Senior Educational Service is at least 33⅓ per cent. and in the Bengal Educational Service at least 40 per cent. of its total strength provided that for the purpose of this percentage the Men's and the Women's Branches shall be considered as separate. Communal interest is not taken into consideration in promotion cases from one grade to another.

(*c*) The rules cited above are being observed so far as the Bengal Senior Educational Service and Bengal Educational Service are concerned.

Mr. ABDULLA-AL-MAHMOOD: What was the percentage before the formation of the Public Service Commission?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say off-hand. If the hon'ble member requires the information I will take this as a notice.

A Member: Will the 33⅓ per cent. for the Bengal Senior Educational Service be increased in future?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes.

Principle for the realisation of exemption fees from defaulting estates in Revenue sales in Noakhali.

107. Mr. SYED ABDUL MAJID: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the principle for the realisation of exemption fees from defaulting estates in Revenue sales held under the Noaknali Collectorates?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the proportion of fines varies in different cases in that district;

(*ii*) that in some cases fines exceeding even 25 per cent. of the arrears were levied as exemption fees by the present Collector of Noakhali in the Revenue sale held in June last;

(*iii*) that about 25 per cent. of the estates which had been put up for sale in the Revenue sale were sold away for non-payment of fines by the defaulting proprietors;

(*iv*) that many *raiyati* holdings under *khas mahal* were put up for sale by the Collector of Noakhali in the Revenue sale held in June last; and

(*v*) that there exists a feeling of discontent and hardship over the realisation of heavy fines as exemption fees from the defaulting proprietors at Noakhali?

(*c*) If the answers to (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state whether Government consider the desirability of revising the rules and fixing a maximum of fine not exceeding 5 per cent. of the arrears?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Exemption fee from defaulting estates in Revenue sales are levied on the principle laid down in note 10 under section 18 of the Bengal Land Revenue Sales Act, Act XI of 1859.

(*b*) (*i*) The proportion of exemption fees varies in different cases according to the number of previous defaults made by the proprietors and other circumstances.

(*ii*) Yes, the percentage was exceeded slightly in two cases of habitual and intentional defaults. This is not in contravention of Board's instruction quoted above which lays down the maximum for ordinary cases only.

(*iii*) No.

(*iv*) No. Only 11 transferable *raiyati jotes* of which the annual demand exceeded Rs. 50 in each case were put up for sale under the provisions of rules 56 and 58 of the Government Estates Manual after issue of special warning notices to the tenants, asking them to put up the arrears.

(*v*) No, but enquiry will be made.

(*c*) No.

Babu NAGENDRA NATH SEN: With reference to question (*b*) (*i*), is it an abwab of the nature described in the Bengal Tenancy Act?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly not.

Babu NAGENDRA NATH SEN: What is the rule of law governing this practice of levy of exemption fees?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is governed by the Circulars of the Board of Revenue based on section 18 of the Revenue Sales Act.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether section 18 authorises the levy of such fees?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a question of pure legal opinion.

Mr. SYED ABDUL MAJID: With reference to answer (*b*) (*ii*), is it not a fact that not only in two cases but in many cases such levy was made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That may be within the special knowledge of the hon'ble member but Government have no information on the subject and I am prepared to enquire into and verify his statement.

Babu NAGENDRA NATH SEN: Does this action on the part of District Officers to levy fees comes for inspection by the Divisional Commissioners or by the Board of Revenue?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: By the Divisional Commissioner, subject to the ultimate control of the Board of Revenue.

Death of Abdul Sekh while in police custody.

108. Babu SHYAMA PROSAD BARMAN: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that Abdul Sekh, of village Dipnagar, police-station Raiganj, Dinajpur, an accused suspected in criminal case No. G. R. 130 of 1937, in the Dinajpur Sadar Subdivisional Officer's Court, died while in the custody of the police; and

(*ii*) that post-mortem examination revealed the presence of arsenic poison in the viscera of the deceased?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any enquiry was made in order to ascertain—

(*i*) as to how arsenic found its place in the viscera of the deceased while in the custody of the police; and

(*ii*) whether it was a case of—

(1) suicide; or

(2) homicide?

(*c*) If it was a case of homicide will the Hon'ble Minister be also pleased to state the action taken by Government to trace the culprit?

(*d*) If it was that of suicide, has any departmental action been taken against the police officer in whose custody the deceased was?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) to (*d*) The facts are briefly as follows:—

Abdul Sekh was taken into custody by the police being suspected in case of dacoity. He made a confession to the police implicating himself, one Jangalu Chaukidar and certain others. In course of investigation he was brought to the house of one Sonai Mondal on the evening of 22nd February, 1937, where, among others, Jangalu Chaukidar was present. There Abdul was given some water to drink. After drinking this water, he vomitted once and felt very uneasy. He could not take any food that night and complained of a burning sensation in the throat. He died early next morning before any medical aid could be secured.

It was suspected to be a foul case of murder by poisoning by persons named by Abdul as his associates in the dacoity of whom Jangalu Chaukidar was one. A case under section 302, Indian Penal Code, was instituted and thoroughly investigated, but as it could not be ascertained by whom the water was given to the deceased and no other definite clue could be found, the police could not send up anybody for trial.

It is proposed to take action departmentally against the police officers and men concerned for not keeping a strict watch on Abdul while in custody.

Mr. SHAH ABDUR RAUF: Why was no departmental action taken so long in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because an enquiry was being held as to how the thing happened?

Mr. SHAH ABDUR RAUF: Is it a fact that as a result of this question the Hon'ble Minister is thinking of taking departmental action against the police officer.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister know that the man was in perfect health before he was taken in custody?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, I believe so.

Babu NAGENDRA NATH SEN: Was Jungalu Chaukidar arrested after confession made by the deceased?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NISHITHA NATH KUNDU: Was the body preserved an medically examined?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not sure whether was preserved or not, but it was medically examined, and when it wa medically examined I feel the body must have been preserved.

PRIVATE MEMBERS' BUSINESS

Resolutions on matters of general public interest.

Mrs. HEMAPROVA MAJUMDAR: (The member spoke in Benga in support of the resolution of Mrs. Hashina Murshed.)

Babu NAGENDRA NATH SEN: I wholeheartedly support the reso lution which has been moved by Mrs. Hashina Murshed. My sol object in doing so is that in these days of irreligion, whatever is though to improve the religious mindedness of people should be encouraged Every institution of religion has its rituals and other sanctities. To me a staunch Hindu, I do believe that the performance of our ritualisti actions improve the spiritual side of the Hindus at large. Therefore apart from any other consideration, I do wholeheartedly support this pro posal and request the Hon'ble the Finance Minister although he was no pleased to grant the Hindus a holiday on the 11th October, he should not in this case, refuse his consent to give my Muhammadan friends th privilege of having a holiday on this particular occasion.

Mr. SPEAKER: My attention was drawn to a point on a previou occasion and to that my attention has also been drawn to-day, namely that it would be better for the Hon'ble Minister in charge to enunciate hi policy with reference to a resolution at an earlier stage so that member may have an advantage of not only deciding whether they should speak at all but also as to what they should say in the matter.

The Hon'ble Mr. NALINI RANJAN SARKER: Before I state the attitude of Government, in regard to this particular resolution, I want to place before the House the present position with regard to holidays. There are 30 days' holidays under the Negotiable Instruments Act and Executive holidays number 13 in addition. Local holidays are 3 to 11 according to practice in different districts and special holidays are 1 to 3. So, altogether we have on the average holidays of 50 days in this province.

So far as the general question of increasing the number of holidays is concerned Government is opposed to it, because we already give a large

number of holidays. In this particular matter there is also the consideration that if a holiday is given to commemorate the death anniversay of a great saint, in future this sort of demand for increasing holidays might be made on other occasions as well. At the same time Government would never like to wound the religious susceptibilities of any community. So, I want to be guided by the opinion of this House and I shall watch the debate and after the decision of the House is arrived at we shall give the matter our full consideration and declare what can be done in this matter.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as our party is concerned we have decided——

Mr. SPEAKER: Party decision is a matter which should not be mentioned in the House.

The Hon'ble Mr. A. K. FAZLUL HUQ: It came in incidentally. However, I can mention in the House that so long as the Government members are concerned we will not, if there is a division, take part in the voting; as for the rest they will be free to vote as they like. We will watch the result and take action accordingly.

Khan Bahadur ALFAZUDDIN AHMED: I beg to support the resolution moved by Mrs. Hashina Murshed and I associate myself with the statement made by the mover. Sheikh Abdul Quadir Jilani is the greatest of Muslim saints, who is held in great esteem in the entire Muslim world. Though born at Jilan in Persia, he is revered by the Muslim public in general on account of his erudition, piety and sanctity of manners. During his life-time he showed a large number of miracles and he has written many books on theology. His anniversary is observed in great veneration by the Muslim public not only in India, but throughout the Muslim world. We, the Moslems, want to have an off-day for the observance of this ceremony. Now, Sir, so far as the Moslem public is concerned their prayer for a single day's holiday is not a very unreasonable demand, and I think the hon'ble members of this House will agree with me in holding that an additional holiday should be granted, and I also appeal to the Cabinet to have this sanctioned. So far back as 1791, the number of Muhammadan holidays was 96, and the number of Hindu holidays was 31 only, but at present the number of Moslem holidays is only 6, under the Negotiable Instruments Act, and two days special holidays, although there were six special holidays formerly enjoyed by the Moslems. The number of Moslem holidays is thus being gradually reduced. From 96 it is reduced to 6 only.

This reminds me of the common Bengali proverb prevalent among tl Bengal peasants—if I may be allowed to speak in Bengali—

" ছিল ঢেঁকি হল তুল
কাটতে কাটতে নির্মূল "

This means that by the constant application of his tools to a huskin machine, the carpenter reduced it to a weighing machine and ultimatel reduced it to nothing. That is actually the case with the Muhammada holidays. I again appeal to the hon'ble members of this House to suppor this motion, and I also appeal to the Hon'ble Ministers to have thi holiday sanctioned.

With these words I support the motion of Mrs. Hashina Murshed.

Maulvi MUHAMMAD AMIR ALI MIA: (The member spoke i Urdu in support of the motion of which the following is the Englis translation):—

Mr. Speaker, I whole-heartedly support the motion moved by Mrs. Hasina Murshed for observing the 11th of Rabi-us-Sani as holiday. The 11th of Rabi-us-Sani is the blessed day on which Hazra Shaikh Abdul Quadir Jilani passed away. He was a saint with whos illustrious name every one, great or small, is acquainted. No saint i the world has attained the position enjoyed by the saint of saints Hazrat Shaikh Abdul Quadir Jialni. Our Prophet has said in regar to him: "O Abdul Quadir, my foot is at your neck while your foot i at the neck of all other saints." Now you may yourself consider as to who can call in question his saintliness. It is said that the Shaikh (may the blessings of God be on him) was one day delivering a sermon somewhere, when all of a sudden he rose three or four feet in the air and said, "O Israelite! hear the words of a follower of Muhammad". So saying he resumed his seat. The people enquired of him what the matter was. He replied: "Khizr (the Prophet Khizr, who discovered and drank of the water of life, whereby he became immortal, is regarded by some as a companion of Moses) was passing by our meeting and you heard whatever I said to him."

Sir, when weakness overtook Islam after the death of our Prophet and Muslims began to be ruined, Allah sent Shaikh Abdul Quadir Mohiuddin Jilani for our guidance. "Mohiuddin" means one who revives the faith. As the Hazrat resuscitated Islam he has been given the title of "Mohiuddin."

Briefly speaking, you have come to know the high rank to which the saint belonged. Fateha Yazdahum is the day of annually commemorating him. Muslims all the world over give offerings and offer prayers in his name and regard that as a source of blessing. It bears a perfect resemblance to the Fateha Duwazdahum on which day the anniversary of the Prophet is observed and which is a public holiday.

Sir, on the Yazdahum, as on the Fateha Duwazdahum, celebrations take place when accounts of Hazrat Mohiuddin's life are explained to the people and lectures are delivered. Many Mussalmans offer prayers on the 11th of every month in addition to those on the 11th of Rabi-us-Sani. But it is a pity that there is no holiday in Government offices on the 11th of Rabi-us-Sani. You may imagine what must pass in the minds of persons in service who, while their other brethren would be busy in commemorating the memory of their saint, would be working in offices.

With these few words I request all the members to second the resolution. Amen!

A member: Sir, does not the hon'ble member know Bengali? We are not able to follow him.

Mr. SPEAKER: You know the member is to speak in a language in which he is proficient, and I take it that he is not able to speak either in Bengali or in English.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, it may be that anything I might say may irritate some of my friends on this side of the House and it may also be that the Government may consider me as one who is prepared to disobey the instructions given to members of the party, because I feel that silence on my part after the presentation of my religion in this House which has fallen to the lot of one who, unfortunately, is ignorant of the basic principles of what a Muslim is and should be, would be wrong. It is a pity that the Government did not decide to deal with the matter departmentally, and it is a greater pity that the Hon'ble Member for the Women's Constituency of Calcutta, did not withdraw her resolution when she was asked to do so. In such circumstances, Sir, people, who believe in their faith and who believe in its purity, find themselves in a difficult position. As a Muslim, the Qur'an tells me to declare what I feel and, therefore, even now if the hon'ble mover of this motion is prepared to withdraw it, I am prepared not to go further.

I shall take up the Islamic point of view in regard to this resolution later, but, Sir, the explanation placed before the House by the Hon'ble the Minister for Finance is one that we have to take into consideration. I have always felt, Sir, that there is a plethora of holidays in this country of ours; the courts, the university, the schools and other public institutions are closed for almost half the year. As the Hon'ble Minister for Finance told us just now there were holidays for 50 days in the year in Bengal. If we went on increasing them at this space perhaps we shall not find the 365 days of the year sufficient for the purpose. If the Qadiriya tariqat (Path) of which the hon'ble mover seems to be a member has to be given precedence over others, I

am certain that the Chishtiya, the Naqshbandia and the Rifaiya wil also demand an equal position. Every follower of a tariqat (Path will demand the first place for his spiritual chief. There may also b some among my brothers here who may feel that the Maulviya an the Sanousiya should also be brought in. I do not see why, if th thing is taken to its logical conclusion, we should not have a holida for the anniversary of the Saint in Ajmer and further for local saint in Calcutta, in Murshidabad and elsewhere in Bengal. How are w then going to look at this affair in the proper and sensible way? Sir this resolution ought not to be accepted by the House on grounds o public policy as well as on grounds of Islam. I may be allowed t speak with some authority on the subject. I may not have a very lon beard and I may not have the status to speak which people seem t possess under the title of, what is known as, an alim (a man learne in theology), but I do not yield to any one in coming to a conclusio over questions of my religion. Islam does not believe in priesthood. Every Muslim has the right to speak out his mind The "tariqat (paths)" of which so much has been heard to-day, are according to me, positively opposed to the teachings of my Prophet. There were no tariqats (paths) in his day nor for a very long time after he left this world. These tariqats are the outcome of the influence of Persian and Hindu philosophy over the true teachings of Islam. I believe, Sir, that these schools of mysticism and their subsequent and later develop ments in India have led us, through an association of a thousand years, to become idolaters. This mentality has to be changed; it has to be destroyed root and branch, otherwise, I do not see any future for Islam or for the Exaltation of the Truth in this land where it is the duty of every Muslim to carry God's Word to those who are not yet within the fold of Islam. If we allow ourselves to be manœuvered into a position which is almost akin to idolatry, that is worship of the saints, worship of mausoléums, worship of pseudo-Pirs who do not understand the meaning of Islam, worship of people who claim to cure all diseases by means of incantations and charms, worship of persons who collect money out of ignorance of my poor co-religionists our progress downwards shall never be arrested. If I had the power I would hang all the so-called Pir and Pir-Worshippers by the nearest lamp post.

At this stage the House was adjourned for 15 minutes.

After adjournment.

Mr. ABDULLA-AL MAHMOOD: Sir, I beg to move that the question be now put.

Mr. SPEAKER: Mr. Siddiqi has not yet finished his speech.

Mr. ABDUR RAHAMAN SIDDIQI: Sir, speaking as one who has visited almost all the important holy places of Islam and having benefited out of the company of learned Muslims, I declare that my religion does not believe in middlemen or agents to approach the Diety. I can go straight to my Creator. He Himself has told us "this day we have perfected your faith for you and have completed our bounties and blessings upon you." We, therefore, need no new light. Ours is a religion, perfect. I have visited Mecca, I have visited Medina, I have visited Quds Sharif (Jerusalem), the tomb of Hazrat Aiyab Ansari, in Istanbul and right from down to all the sanctuaries in Syria, Palestine and Egypt. I yield to none in my respect, in my honour and in my devotion to the great work these divine leaders of Islam have done. Shaikh Abdul Qadir Jilani, is one of the greatest but not the only one in Islam. It is not the *tariqats* that constitute Islam. Islam was perfected for us long before them and, therefore, I believe that we should catch hold of the Rope of Allah with both our hands direct without anyother agency. For these reasons, Sir, I appeal to my Muslim brothers to remove from the midst of Islamic society the so-called Pirs and self-constituted agents of the Almighty. We are followers of a faith which is democratic and those who have eyes to see will realise that the influence of these Pirs and so-called leaders of religious opinion, has brought us down, has dragged us into the mire and has almost led us to the view that there is no purity, no glory, no greatness in the original teachings of the Faith. Therefore, Sir, not because one day is to be added to the already 50 holidays in this province, not because the Muslims are likely to gain one more day, but because I consider that the mentality and the psychology behind this resolution is such that it is an insult and a disgrace to the name of Islam. Speaking as a Muslim, speaking as one who has a right to serve God in his own humble way in accordance with the teachings of the true faith, I appeal to my Muslim brothers to look at things from the proper perspective. Let a fatwa be declared against me, let them attack me physically, let them even kill me for if I die uttering these words I shall have attained *shahadat*, martyrdom. I believe, Sir, that the time has come when Muslims should declare themselves to be Muslims and not followers of extraneous principles alien to the spirit of Islam, which have nothing to do with the Qur'an or the teachings of our Prophet. I do hope that my Muslim brothers on this side of the House will throw this resolution out lock, stock and barrel.

Maulana MD. MANIRUZZAMAN ISLAMABADI: Supported the resolution and delivered a speech in Bengali of which the following is an English translation:—

Mr. Speaker, in supporting the resolution moved by the Hon'ble Mrs. Hasina Murshed, I would like first to explain to all the importance and the history of the matter. In the Islamic world of divines Hazrat

Muhiuddin Sheikh Abdul Qader Jilani stands very high. Owing t his uncommon spiritual influence thousands of person took shelte under Islam. He left behind him the bright example of the heigh of spiritual attainment to which man can climb by dint of practice an devotion. After him, his disciples engaged in preaching religion i different parts of the world. It is said that Hazrat Sheikh Muhiuddi Chisti, while a boy, received his blessings and in later ages came to b known as a great saint. Although this is open to historical controvers no doubt is entertained as to the authenticity of another of Hazra Muinuddin's preceptors known as Sheikh Sahabuddin Suhrawardy bein a disciple of Hazrat Sheikh Abdul Qader Jilani. Thus we find tha Hazrat Jilani is the preceptor of Khwaja Sahib's preceptor. Thi Khwaja of Ajmere came to India during the latter part of the 5t century of the Hijri era and kindled the light of Islam in India.

On the 11th day of the lunar month of Jamadi-us-Sani, the sain who is celebrated as the preceptor of the line of saints breathed hi last. The Moslems generally call this day the 11th Sharif, i.e., th 11th holy day. On this day pious Moslems distribute sweets and giv away other things in charity. They offer prayers for the peace an happiness of the holy soul of the Great Pir and the Holy Souls of othe Pirs and discuss their holy lives. On account of his having departe to heaven on the 11th day of the lunar month of Rabi-us-Sani religiou ceremonies are held in various places on the 11th day of every luna month to commemorate the said event. Hence, it is quite desirabl that a holiday should be granted for the purpose of elevating one's reli gious life through the commemoration of the life and work of thi great saint. Bengal has a population in which Moslems preponderat and only six holidays are given to Moslems. A day added to thi would, indeed, make for justice.

My hon'ble friend Mr. Abdur Rahman Siddiqi has indeed spoken disparagingly of the Moslem Pirs. This is really objectionable. It is the Pirs, religious guides, walis and Darvishes who preached Islam all over the world. Even now, it is these saints to whom the whole credit should be given for whatever preaching is being done in regard to Islam. Mr. Siddiqi ought to know that among the Moslem saints who came to India on a mission of preaching religion, the great saint Hazrat Muinuddin Chisti of Ajmere was the foremost. He was the disciple of Sheikh Abdul Qader Jilani, as well as of Hazrat Sahabuddin Suhrawardy. He converted as many as one lakh of persons to Islam. Hazrat Bakhtiar Kaki of Delhi was his disciple. Hazrat Fariduddin Ganje Shakar of Multan was a disciple of Hazrat Bakhtiar Kaki. Hazrat Nizamuddin Aulia Delhi was a disciple of Hazrat Fariduddin Ganje Shakar. Hazrat Akhi Seraj of Gaur, Bengal, was a diciple of Hazrat Nizamuddin Aulia. Makhadum Alaul Huq of Pandua was a disciple of Hazrat Akhi Sefaj. Nurkutb-i-Alam was Makhdum Alaul Huq's son. These and their disciples spread Islam in Bengal and in

various places in India. The great saint Shah Badr-i-Alam Badar Shah's contribution to Islam in Bengal beggars description. Owing to Hazrat Sheikh Sharfuddin Muniri's efforts lakhs of people in Bihar got shelter under Islam.

It is indeed extremely astonishing that Mr. Siddiqi has taken delight in finding fault with such saints. It is to these saints that Mr. Siddiqi and ye owe all our pride and glory as Moslems. It will be sheer ungratefulness to deny that we have received the gifts of Islam by virtue of the spiritual labour and devotion of these saints who engaged in missionary work. He is aware of the fact that antagonists of Islam proclaim that it was preached by means of the sword. He is also aware that this is without any foundation. The Quoran never sanctions the preaching of religion by force. On the contrary, there are strict injunctions in the Quoran for the propagation of Islam by preaching. I would request Mr. Siddiqi to go through Dr. Arnold's "Preaching of Islam" and rectify his mistake. Mr. Siddiqi has dubbed the Pirs as hypocrites, self-seekers and avaricous. He also spoke of persons as bringing a slur upon Islam through their worship of Pirs. To this my reply is that a few of the Pirs and Fakirs may be selfish hypocrites and cheats. But it should be considered as a fatal mistake to blame the whole lot for the faults of a few. There are Government officers who accept bribes, but this is no reason why the whole service should be regarded as being open to corruption. Mr. Siddiqi has spoken of Pir worship, but those who are real Pirs are unwilling even to accept salams and the kissing of the feet, not to speak of being worshipped.

The Holy Saint of Islam, whose death anniversary is sought to be commemorated by the motion for holiday was the ideal saint of Shariat and I hope that the House will pay respect to a great saint by supporting this motion for holiday on the day of his sad demise.

(At this stage many members rose in their seats to speak.)

Mr. SPEAKER: The closure has already been moved, and I must now put the closure motion to the vote.

Mrs. HASINA MURSHED: Can I not exercise my right of reply Sir?

Mr. SPEAKER: No; when the closure motion is put there is no right of reply.

The question that the question be now put was then put and agreed to.

The resolution of Mrs. Hasina Murshed was then put and a division taken with the following results:—

AYES.

Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Jabbar Patwan, Mr. Md.
Abdul Kader, Mr.
Abdul Karim Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahab Khan, Mr.
Abdul Waheed, Maulvi.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shahed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
Afzal Ali, Mr.
Afzal Hosain Jaardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Khan, Mr. Syed.
Alfazuddin Ahmed, Khan Bahadar.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Ashrafali, Mr. M.
Asimuddin Ahmed, Mr.
Azhar Ali, Maulvi.
Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barat Ali, Mr. Md.
Barma, Babu Pramhari.
Barma, Mr. Puspati.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda handra.
Biswas Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chnadra.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Farhad Razk Chowdhury, Mr. M.
Fazhut Baho Khanam, Begum.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman Mukteer, Mr.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hafizuddin Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hasan Ali Chowdhury, Mr. Syed.
Hasunuzzaman, Maulvi Md.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Jalaluddin Hashemy, Mr. Syed.
Jasimuddin Ahmed, Mr.
Jonah Ali Majumdar, Maulvi.
Kabiruddin Khan, Khan Sahib.
Khaitan, Mr. Debi Prosad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Maniruddin Akhand, Maulvi.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Moshin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi.
Mahammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Solaiman, Mr.
Mukherji, Dr. Sharat Chandra.
Mallick, Srijut Ashutosh.
Mustaqawai Haque, Mr. Syed.
Mustafa Ali Dewan Shahib, Mr.
Nasarullah, Nawabzada K.
Pain, Mr. Barada Prasanna.
Pramanik, Mr. Tarinicharan.

Rahman, Khan Bahadur A. M. L.
Rajibuddin Tarafdar, Maulvi.
Ramizuddin Ahmed, Mr.
Ray Choudhury, Mr. Birendra Kishore.
Roy, Babu Patiram.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Roy, Rai Bahadur Kshirod Chandra.
Safiruddin Ahmad, Haji.
Salim, Mr. S. A.
Sinaullah, Al-Haj Maulana Dr.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shahedali, Mr.
Shamsuddin Ahmed Khandkar, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maniadra Bhusan.
Sur, Mr. Harendra Kumar.
Tamizuddin Khan, Maulvi.
Tapuriah, Rai Bahadur Moongtu Lall.
Thakur, Mr. Pramatha Ranjan.
Wast, Mrs. Ellen.
Yusuf Ali Choudhury, Mr.

NOES.

Abdur Rahman Siddiqi, Mr.
Abdur Razzak, Maulvi.
Abul Hashim, Maulvi.
Ahmed Hosain, Mr.
Ispahani, Mr. M. A. H.
Muhammad Ali, Khan Bahadur.
Muhammad Ibrahim, Maulvi.
Nooruddin, Mr. K.

The Ayes being 150 and Noes 8, the motion was carried.

Resolution No. 4 being called was not moved.

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. In view of the provisions of section 96, are we not entitled to claim that the resolution is the property of the House?

Mr. SPEAKER: So long as it is not moved it is not the property of the House. If the mover had moved it, then it would have been the property of the House.

Maulvi ABDUL WAHED: (The member spoke in Bengali of which the following is an English translation):—

Mr. Speaker, with your permission I beg to move that immediate steps be taken for increasing the salaries of the process-servers in accordance with the recommendations of the Civil Justice Committee. Sir, I propose to dwell briefly upon this resolution of mine.

To show mercy towards the destitute, to punish the wicked and to protect the law-abiding constitute the policy followed by every civilized Government. But in my opinion that Government deserves greater credit which carefully investigates the reasons why a man becomes wicked or bad and loses his character and then adopts remedial measures (not repressive ones) to convert the wicked into gentle, the bad into the good and the bad character into a good one. A move in this direction by our present Government will be most suitable under the circumstances.

The Civil Justice Committee has made strong recommendations in favour of increasing the salaries of the process-servers. I hope the Ministry and the Hon'ble Minister in charge will not oppose this resolution for giving effect to those recommendations.

Mr. SYED JALALUDDIN HASHEMY: I rise to oppose thi motion with all the vehemence and with all the emphasis that I ca command. I will do great injustice not only to myself as the owne of a little landed property, but to any village folk if I lend my suppo to this obnoxious resolution. The process-servers are a gang c robbers. I say here on the floor of this House from my person experience what they generally do. They generally go to a poo man's house with a summons. It is their usual custom first of a to take the minimum illegal fee of at least Rs. 2 from each individu house they visit in course of their tour. In the winter season the snatch away the only blanket which the poor man has to cover hi with. Not only that; they must be well-fed even by depriving th children of the house of their small portion of the fowl they can affor to make curry with. Sir, I should not only give the destructive sid of this question. I do not know the recommendations of the Civi Justice Committee nor do I care to read the recommendations of th Civil Justice Committee. I would suggest to the Hon'ble Ministe in charge all at once that this question can easily be solved throug post office, through union boards, through thanas and that can be don more efficiently, more conveniently and more economically. Sir, i summons are sent under registered cover to individual persons tha will be duly delivered by the peon to the man addressed. Sir, they not only cheat poor people, but they cheat Government as well. Or every occasion if they go to realise a certain decretal amount from a certain person, they take some bribe of some Rs. 5 or Rs. 10 and they safely come back to the headquarters and say that nothing moveable is found in the house of the man in question.

Mr. Speaker, Sir, you counted the number of resolutions in this agenda and if I remember aright the number was 28. Sir, look at the gang of these people in Calcutta who are moving with these resolutions. One man actually approached me and gave me a similar resolution for my signature. I refused it and told him point blank that I would oppose this motion, and consistent with my talk with that particular man I oppose this motion and I hope that all members having property in the mufassil will oppose this motion and turn it down within, say, another 10 minutes.

With these few words, Sir, I oppose this motion.

Maulvi ABDUL HAMID SHAH: (The member spoke in Bengali in support of the motion, of which the following is an English translation):—

Mr. Speaker, my hon'ble friend Maulvi Abdul Wahed while moving his resolution for increasing the salaries of the process-servers said that Government's policy should be to help the poor and to punish

and protect the wicked and the good, respectively. Hence, the plain meaning of the resolution is that steps should be taken to correct the faults and lapses on the part of the process-servers by increasing their pay and thereby removing their pecuniary wants. I whole-heartedly support this resolution. Even the fundamental principle of politics is to prepare the ground for developing civic consciousness in a man by ameliorating his pecuniary circumstances and thus produce ideal citizens. But unfortunately we, in Bengal, never care to regenerate the degraded nature of a man by removing the predisposing factors. On the contrary we render a man's life absolutely miserable by giving undue publicity to his weakness and drawbacks.

The Civil Justice Committee upon whose recommendations the mover has based his resolution was composed of both official and non-official members. Great jurists like Sir George Rankin, Sir Tejbahadur Sapru and others after long and close investigations set forth their recommendations for improving the lot of the process-serves in the pages 166-67 of their Report. After these unanimous recommendations of the Civil Justice Committee any further discussion on the subject of increasing the salaries of the process-servers in to-day's session of the Assembly seems to be superfluous and redundant. Sir, six years back Sir William Prentice, the then Home Member, and a foreigner entirely agreed to the proposal for increasing the salaries of the process-servers and on the floor of this very House declared that Government were unable to give effect to the proposal simply because of financial stringency. Now that the children of the soil have been entrusted with the reins of Government, it is only natural to expect that they will carry into practice the recommendation of the Civil Justice Committee and ameliorate the condition of the process-servers who are none other than their own countrymen. Sir, for the information of the hon'ble members of this House pages 166-67 from the Report of the Committee were separately printed and distributed to each one of them. But still I quote the relevant portion of the Report. In some places in Bengal the process-server has a scale of pay starting from Rs. 18 and rising up to Rs. 22. In other places a scale of pay from Rs. 16 to Rs. 20 has been fixed. This is indeed an extremely poor scale and is entirely responsible for exposing the poor process-server to corruption. The Report further states that the cases of the process-servers have received due consideration in Bombay where the inferior class of process-server has been allowed a scale of pay from Rs. 20 to Rs. 40 and the superior class has been granted a maximum pay of Rs. 50. The prospect of higher pay has attracted honest and capable men to the posts of process-servers and heightened the status of the process-server in public estimation. Thus in the Bombay Presidency nobody now hears of any evil practices existing among the process-servers. The authors of the Report have also referred to the amount of process fee, viz., Rs. 30,24,484, realized in

Bengal in 1922 and suggested that out of the net profit, viz Rs. 18,00,000, an amount should be earmarked in the budget f meeting the increments in salary that may be allowed to the proces servers.

Sir, in 1936, a net profit of Rs. 20,000,000 was made out of th total amount of process fees realized. I think it will not be out place here for me to enquire of the Hon'ble Finance Minister as which fund this amount of profit has been appropriated to. It therefore, idle to trot out a plea of financial stringency in the matt of increasing the salary of the process-server.

Sir, my hon'ble friend Maulvi Jalaluddin Hashemy has taken strong exception to the proposal for increasing the process-server' salary. His ground is that any increase in the salary of proces servers will further strengthen the hands of a class of persons whos oppression in extorting bribes has been proverbial. My reply to it i that process-servers are not the only servants of the Government o Bengal who are guilty of accepting bribes. And for this habit o theirs it is the pleaders and muktears in the country who are firs responsible. It is they who offer bribes to the process-servers wit a view to obtain favourable reports from them on behalf of thei clients. The value of service received by members of the legal pro fession from the process-servers is many times greater than the palt amount of bribe they give to them. But it is these legal practitioner again who turn round and accuse the process-servers of accepting bribes! Let them rectify their own defects and lead the way for th process-servers.

Sir, I deem it a greater offence to offer bribes than accept them We should, therefore, direct our efforts towards checking the tendency for offering bribes and the temptation to accept it will automatically stop. On 3rd March 1935, the Hon'ble Mr. R. N. Reid in reply t the question to Maulvi Abdul Hakim said in the Council that during five years preceding the year 1935, 59 Government officers were charged with perpetrating unlawful oppression and accepting bribes. This number did not include Police constables and Jail warders. Among these 59 persons there were officers of 20 different departments of Government beginning from District Magistrates, Police Superintendents down to clerks in the Collectorate and sub-tahasildars. I want to inform my hon'ble friend Maulvi Jalaluddin Hashemy that not a single process-server was included in this group of officers charged with accepting bribes. Lastly, my humble suggestion to my friend is that his proposal for dismissing the whole lot of process-servers and delegating to other officers the task entrusted to them cannot be entertained, because the peculiar nature of the process-servers work and the responsibility attached to it will baffle all efforts of those who

might happen to try their hands at it. All that is necessary under the circumstances is to enhance the scale of pay for the process-servers so as to enable them to steer clear of wants and privations. With these words I support the resolution for increasing the process-server's salary.

The Hon'ble Nawab MUSHARRUFF HOSSAIN: Sir, my friend Mr. Abdul Wahed of Bokainagar, has brought in a motion for increasing the pay of the process-servers and in support of his proposal he has given a very nice idea of the reason why these people should have an increment in their salary. He says "দুষ্টের দমন ও শিষ্টের পালন" but whether these process-servers are "দুষ্ট" wicked people or whether they are "শিষ্ট" honest I do not know. If they are wicked people, I do not think any one will support them; but if, on the other hand, they are very civil and honest people, then I hope the whole House and the Government should step in and try to better the condition of these people. Unfortunately, my friend who has proposed the motion and my friend who has supported it have not read the report of the Civil Justice Committee. The report of the Civil Justice Committee contains certain recommendations. If those recommendations are accepted by Government, we will have to dismiss one and all of these officers. If you would ask us to accept the recommendation of the Civil Justice Committee in all seriousness, we would be quite prepared to accept it and recruit a better class of people in place of the existing ones with higher pay and prospects who will not be subjected to any condemnation and from whom better work may be expected. I would ask my friends to read that Report and consider the recommendations actually made therein, and if the time of the Council is wasted by us in giving harangue from one side with corresponding harangue from the other side, I think we shall not be doing justice to the time that has been allotted to us. Sir, that being the case, I now ask my friends to let me know whether they desire that we should give effect to the recommendations of the Civil Justice Committee. If that is not their desire and if they like to see that these people perpetuate the wrongs that they are doing as my friends have alleged—and I have still doubt as to those allegations—I would hesitate to help them. But I hope now things will be better managed and my friends will now think of withdrawing the resolution. If they do not, I can read before the House that part of the Civil Justice Committee's Report which refers to these process-servers. It runs thus: "But whatever be the nature of the supervision exercised over the work of the process-servers, it seems to us to be impossible to expect honest and intelligent work from the class of men which it is possible to recruit in the process-serving establishment on the scale of pay at present in force." The Report further says that if a more literate class of people is recruited, as in Bombay, on a superior scale of pay and better prospects, it is possible

to give them training in the nature of their duties and test their fitnes for responsible work. I do not like to read the whole of this, but fron these two sentences alone I think you will know what is the actua report of the Committee, and I hope that after what I have said my friend will consider the position of the present process-servers. Ther are over four thousand process-servers at present, and I do not desir that they should be deprived of their livelihood. Will it not add to th number of unemployed if by one stroke of pen these people are dispense with? So instead of referring to the Report of the Civil Justice Com mittee if it was simply urged that their pay should be increased, w could have considered that: but if you ask me to accept the recommen dation of the Committee's Report, it is not possible to help the process servers. Under the circumstances, Sir, I would ask my honourabl friend to withdraw his resolution.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I want to ad a few words and I want to seriously appeal to my friend Mr. Abdu Wahed Bokainagari to withdraw his motion not because the process servers do not deserve such encouragement but because of financia considerations. I am very sorry, Sir, that some of the speakers have depicted the process-servers in the blackest colour. They are after all our own men and we have no justification for treating them with such contempt. But, Sir, since the publication of the Report of the Civil Justice Committee I understand that the Government have considered their position and increased their rate of pay and have given them a higher rate of pension than they used to get before. The pensionary rate, before the Civil Justice Committee made its recommendation, was Rs. 4 and that has been increased to Rs. 8 and their salaries have also been increased and now the grade is Rs. 16—20. The grades in Madras are Rs. 14 and 15 and those in Patna Rs. 10, 11, 12 and 15. By that I do not, of course, mean to say that they are in very affluent circumstances, but I ask you to consider the financial effect of the scheme. Even if an increment of Re. 1 is given to each process-server, it will entail a recurring expenditure of Rs. 50,000 and that it will not end here. As soon as you have increased the salaries of these process-servers, you will have to increase the salaries of other menials too. After taking over charge of the Government of this province we have not been able to do anything for the rural population. I, therefore, beg of you to give us time to settle our programme regarding rural reconstruction, before you put forward the grievances of process-servers and other ill-paid servants of the State, and if after a year or two hence our resources permit us, then, Sir, we shall be able to consider the lot of those Government servants who really deserve sympathetic consideration. But, I may say that in the next year's budget—we should like honourable members to understand this—it will not be possible to provide for any increment in the salaries of any Government servants,

and I would ask my friend Mr. Bokainagari to withdraw his resolution. When the time comes, we shall certainly sympathetically consider the lot of these under-paid servants of the State.

The resolution was then, by leave of the House, withdrawn.

Mr. SHAH SYED GOLAM SARWAR HOSAINI: I beg to move that this Assembly is of opinion that the Government Estates Manual be so amended as to make provision for the following, namely:—

(*i*) that salami in the case of settlement of lands in Government Estates (Khas Mahals) be fixed at the rate of Re. 1 to Rs. 3 per acre; and

(*ii*) that the present system of rent per acre be lowered to at the rate of Re. 1 to Rs. 3,

according to the nature and value of the land to be settled.

(The Member spoke in Bengali in support of his resolution.)

The House was then adjourned for 15 minutes.

(After adjournment with Mr. Deputy Speaker in the Chair.)

Maulvi ABDUL WAHAB KHAN: Mr. Deputy Speaker, Sir, in rising to second the resolution I would deal with two points: first, the question of *salami* and second, the question of rent with which is involved the policy of settling and realising rents of lands not fit for cultivation and also the policy of enhancing rents in Khas Mahal.

Sir, there was no system of realising *salami* in Khas Mahal. Only 12 or 15 years ago, this was introduced by the Board of Revenue. Sir, under this system lands cannot be settled with poorer agriculturists who are really deserving. But still some of them borrow money at an exorbitant rate of interest from money-lenders and pay the *salami* for lands which in some cases are not fit for cultivation. Sir, in many cases it is found that the settlement holders had to build houses—not exactly houses but *machans* and live in extremely unhealthy and unsafe surroundings with no arrangement for good drinking water and fall victims to kala-azar, cholera, malaria and other diseases and some of them are even eaten up by tigers and crocodiles. Sir, the tenants lose half of the members of their family in reclaiming these newly settled lands. It can be just imagined what the position of the settlement holders would be, when, after so many years of labour, privations and sufferings, the mahajan suddenly pounces upon them and takes away the land when it is just fit for cultivation. This state of things has expressed itself clearly in a well-known proverb prevalent in our country-side "চর জমি প্রথম যায় বকে, শেষে যায় ঠকে" That is, char at its earliest stage is enjoyed by birds such as cranes and ultimately by *thugs*, that is,

people who cheat the cultivators. The cultivators, who by the swe of their brow improve their lands, do not remain to enjoy them whi unfortunately pass away from their hands. So, Sir, this system h operated very harshly on the poor agriculturists and on the origii settlement holders, and I submit that Government is responsible f this miserable state of affairs which must be stopped forthwith.

Sir, I will come next to the policy of settling lands not yet fit f cultivation and being still under water or under thick jungles, whi has created havoc upon the Khas Mahal tenantry. The demand f lands is very heavy, Sir, and there is a mad rush, I should say f settlement of lands without caring at all for the consequences. S it is the Khas Mahal authorities who are really to be blamed for settli such lands and not the poor people who rush headlong only to me with grief and sheer loss. Sir, not only *salami* but rents also a realised for lands which are not fit for cultivation. Consequently, aft some years tenants are no longer able to pay, and so it is not only th Mahajans, who purchase the lands, but Government also have to pu chase lands for arrears of rent and that for a single pice. Sir, the partially reclaimed lands are generally purchased by the Governme at one pice and the Government do not stop there. Then again Go ernment harass the tenants for realisation of the arrears and attach th movables of the tenants under certificate proceedings. So the tena loses all that he had in expectation of getting more. It is high tim Sir, that this inhuman policy has to be entirely changed and replace by a more generous and humane one.

Now, Sir, I would come to the question of rate of rent. In all th Khas Mahals, the rent some 30 years ago was substantially lower tha the zemindari rent, but unfortunately the periodical revisional settl ments have raised the rents to such an extent that they are now substan tially higher than the zemindari rents. Even when the prices of crop had gone down abnormally and the tenants were dragging a miserabl state of existence, ill-fed and ill-clad during the days of depression, th Revisional Settlement Officers went on merrily increasing the rent without caring a fig for section 35 of the Bengal Tenancy Act. would say Sir, that "when Rome was burning Nero was fiddling." These Settlement Officers, I should say, these over-zealous officers hav brought discredit upon the entire revenue policy of the Governmen and have caused disaffection among the Khas Mahal tenants. Govern ment instead of being an ideal zemindar has turned out to be a *zabardas* one (Hear, Hear) and it has to take the help of ex-military men and *gurkhas* for realisation of ordinary arrears of rent. In our district one ex-military man who is blind of one eye is working as a special officer for realisation of rents and for his oppressions he is described as a "কানা দৈত" (blind genii). He is a terror to the tenants who have to sell their ripe and unripe paddy at a rate less than their market value

for fear of oppression and for the sake of *izzat*, however small it may be considered by that officer, and that very officer gets appreciation from the Board of Revenue and is described as an officer of infinite resources.

In some parts of the province, Khas Mahal rents, for example the 24-Parganas, Sundarbans, Government accepted as fair and equitable the apparently exorbitant rate of rent of the raiyots, fixed by the tenure-holders during the boom prices of paddy. In many cases joint petitions of tenure-holders and tenants for reduction of rent was summarily rejected and the tenure-holders' rents were fixed on the basis of the paper rent which was never realised. It will be a pity, if this state of things is allowed to continue in the Khas Mahal administration even after the assumption of office by our popular Ministers. We do expect a change, Sir, at the earliest and we want early indication of that change. Revisional settlement proceedings in Khas Mahal are still being continued with unabated zeal by the Special Settlement Officer whose only duty he thinks to be to increase the Government revenue at any cost and they only justify their existence by that method. These officers, I submit Sir, should go. I do not understand why along with the stoppage of district settlement operations this revisional minor settlement proceedings should not also be stopped forthwith, as the minor settlement operations are, in my opinion, a greater evil than the major. Sir, it should be definitely settled that there should be no revisional settlement of rent within fifty years. The entire settlement staff should be disbanded and at once; the post of the Director of Land Records and the Settlement Officers drawing high salaries should be abolished. The saving thus made which will amount to at least Rs. 10 or 12 lakhs should be utilised for other beneficent measures. The Board of Revenue, I submit Sir, will be able to manage things without a Director of Land Records and Settlement Officers. The Collector of a district can very well, with the help of the Khas Mahal staff, deal with newly formed lands, I mean the *char* lands. If the zemindars can do without revisional settlement operations, I do not understand why the Khas Mahal would require it. So I would only conclude by saying that *salami* should be abolished. If it is not possible to abolish it altogether, it should be reduced to a very considerable extent and lands must not be settled when they are not fit for cultivation, and if Government consider it necessary, a scale of progressive rate of rent can be determined according to the nature of the lands by the Colletcor himself and not by Special Settlement Officers who are generally unsympathetic and who always justify their existence by increasing the rents.

With these words, I appeal to Government for immediate action in the matter.

Mr. AFTAB ALI: Sir, I move that the question be now put.

Mr. DEPUTY SPEAKER: I do not think that this question ha been sufficiently discussed.

Mr. SYED ABDUL MAJID: Mr. Deputy Speaker, Sir, I rise to giv my wholehearted support to the resolution which has been so abl moved by my friend Mr. Shah Syed Golam Sarwar Hosaini and sup ported by Mr. Abdul Wahed Khan. Sir, coming as I do from tha part of the district of Noakhali, namely, Sandwip and Hatiya whic alone contributes about Rs. 5 lakhs as revenue to Khas Mahal an Rs. 30,000 as cess, I think I can say something about the Khas Maha administration at least in that part of the country. Sir, the Khas Maha administration in the district of Noakhali is anything but satisfactory and I must make it clear that every word that has been uttered by th mover and the supporter is perfectly true. There has been little or n exaggeration in what they have said in the course of their debate. A I have already said that Sandwip and Hatiya alone—only two smal thanas—contribute about Rs. 5 lakhs as rent and Rs. 30,000 as cess and I should think that if the land under Khas Mahal had been settle properly, the revenue would not have been even half what has beer now paid by the tenants to the Khas Mahal.

Sir, there are three defects in the settlement of land under Kha Mahal. Formerly no *salami* was to be assessed or realised for th grant of land under Khas Mahal. It is only recently about 15 or 2 years ago that this system has been introduced by the Board of Revenue The result is that in view of the fact that *salami* which is assessed a five times of the rent that is fixed for a particular area of land is realised, the poor *bona fide* cultivators are not getting the settlement of land.

Sir, even those who anyhow managed to procure some money get settlement of lands. They cannot manage to pay their rents in view of the fact that the lands are uncultivable. So, in the course of two or three years they lose these lands of which they got settlement, and these lands are purchased by Government for one pice only for each piece of land. In order to realise the balance of the arrears of rent, Government even put up the cultivators' homestead to sale; so in the long run these poor men lose even their homestead lands by going in for settlement of Khas Mahal lands. That, Sir, is the real state of affairs in Noakhali.

Now, Sir, another objection is that generally we find that the lands, which are not yet fit for cultivation, are settled. This sort of thing is done with a particular motive in view. Generally junior officers are deputed to these Khas Mahals either as Khas Mahal Tahsildars or Sub-Deputy Collectors, and these men become very anxious for the increment of Government revenue in order to secure promotion. They, therefore, take hasty steps to grant settlement of lands and increase

the revenue and thereby secure their promotion. Sir, you will be surprised to know that there are officers whom I found to be guilty of granting settlement of lands which were even under water and this they did in order to secure promotion from the grade of Sub-Deputy Collectors to that of Deputy Collectors, because they were considered to be efficient in enhancing the Khas Mahal revenue of the State.

Sir, another objection is that it is in the winter season that the cultivators have money. We have found from experience that in the winter season the lands are not settled, but in the months of *Jaista* and *Ashar* when the cultivators have no money even to feed themselves and cultivate their own lands, and that time is chosen for the settlement of lands. The result is that no *bona fide* cultivator can secure any settlement and it is only the rich people who secure it. I know, Sir, that there are hundreds of persons who have already got hundreds of plots of land under Khas Mahal managed to secure settlement of Khas Mahal lands and not the *bona fide* cultivators. They get the lands either in their own names or in the names of their relations and they ultimately get the lands transferred to themselves. Therefore, I submit that the system of granting lands should be completely overhauled in order to ultimately benefit the cultivators.

Another point that has been mentioned by the mover is that this season of the year, when there is distress, when the cultivators are busy in ploughing their lands and when they have little money in their pockets, is chosen by the Khas Mahal Officers for executing decrees for arrears of rent. In the "Ananda Bazar Patrika" of the 16th of *Bhadra* the following letter has appeared. (A Bengali letter was read by the member:)

Sir, as I have said, this season is chosen, in spite of the serious protests from the people; for execution of decrees against the movables of the cultivators.

Sir, I submit that the state of affairs in the Khas Mahal areas in the Noakhali district, especially in the two islands is, indeed, deplorable. I am sure that my friend, Mr. Niharendu Dutta Mazumdar, who had the goodness of recently visiting the interior of Hatiya, would enlighten us as to how the people in the Khas Mahal are living. He has seen their condition with his own eyes quite recently. My humble suggestion to Government is that unless the system of administration of Khas Mahal and of the settlement of land is completely overhauled, the cultivators cannot be saved.

With these words, I give my wholehearted support to the resolution that has been moved by Mr. Shah Syed Golam Sarwar Hosaini.

Mr. DHIRENDRA NATH DATTA: Sir, I rise to support th resolution which has been so ably moved by my friend, Mr. Shah Sye Golam Sarwar Hosaini. He has given a description of the oppressio to which the tenants in the district of Noakhali have been subjected. shall narrate the most aweful state of things which prevails in the distric of Jalpaiguri. As you know, Sir, the district of Jalpaiguri is one of th biggest of Khas Mahal estates in the Western Dooars. I shall narrat the incident which happened in the years 1915-1935. In the year 1915 16 there was a settlement known as the Milligan Settlement and th demand was Rs. 6,06,491 and Mr. Milligan increased the rent by abou 40 per cent. of the rent fixed by the previous settlement by Mr. Sarker Then, there was a settlement in the year 1935-36 after a lapse of 20 year and the demand was increased to Rs. 8,82,786, *i.e.*, an average increase o 45 per cent. over the demand fixed at the previous settlement. I shal tell you what was the condition of Jalpaiguri at that time. In the pre vious year, *i.e.*, 1934-35, the Government report states that the ren could not be realised on account of the economic depression and th total number of cases in which the certificate procedure was used wa as high as 12,099. Sir, may I be permitted to refer to a portion of th Land Revenue Administration Report for 1935-36? It states that during the five years the collections in the previous years had resulted in an enormous increase of collections which were made by the use of the certificate procedure. But the year under review had shown a very determined effort to stop this system of collection. We further find it stated that the Deputy Commissioner had insisted on the tashildars going out on tour continually and the Deputy Commissioner was himself present at some of the centres in order to stimulate collection.

Sir, this was the condition of Jalpaiguri in the year 1934-35. The rent could only be realised under the certificate procedure and the number of cases came up to 12,099. In the following year there was an increase by 45 per cent. As a matter of fact, it is surprising for us to note that while there was an increment of rent so far as the cultivating raiyats were concerned, there was remission granted to certain persons amounting to Rs. 22,000 or Rs. 23,000. To whom was this remission granted? Sir, you will be astonished to know that it was granted to the Tea Planters, many of whom are Europeans. In the year 1934-35, from the report we find that the demand was Rs. 6,19,575 and in the previous year it was Rs. 9,17,812, the total demand being Rs. 15,37,387. In the year in question, *i.e.*, 1934-35 for which the current demand was Rs. 6,19,575, there was a collection of Rs. 97,985. Sir, this speaks for itself. Does this not show that at Jalpaiguri at the time of abnormal economic depression there was an increment of rent by 45 per cent. and the collection amounted to 35 per cent.? Therefore in spite of the economic depression and scarcity there was an increment of 35 per cent. This was the condition of the Khas Mahal tenants in the district of Jalpaiguri.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I beg to move that the question be now put.

Mr. DEPUTY SPEAKER: It is rather an important matter and there are so many members desiring to speak that I cannot accept the closure motion now.

Dr. J. M. DAS GUPTA: Sir, may I be permitted to point out that the Revenue Minister is not here? The importance of the subject demands his presence here.

Mr. DEPUTY SPEAKER: The Hon'ble Mr. Sarker is quite able to handle the matter in the absence of the Revenue Minister.

Mr. DHIRENDRA NATH DATTA: The reason is, the more powerful the zamindar, the greater the oppression, and the British Government being the most powerful zamindar, the khas mahal tenants have to face the severest oppression from the British Government. That is the state of affairs in the khas mahal areas in the Jalpaiguri district, and that is also the condition throughout the whole of Bengal. Sir, the solution lies in overhauling the whole system, and now that we have got provincial autonomy, is it too much to expect a thorough overhauling of the entire system? My appeal to the mover of the resolution therefore is not to withdraw the resolution but to press it to a division. I am quite sure that that will strengthen the hands of the Ministry. It will not be a censure motion but will only help them to overhaul a system which has done a lot of mischief to poor tenants. But if that is not done, I submit the engine of oppression will go on merrily as it has been going on in the past.

Maulvi ABDUL HAKIM: The member spoke in Bengali in support of the resolution, of which the following is an English translation:—

Mr. Speaker: I wholeheartedly support the resolution moved by Maulvi Shah Syed Golam Sarwar Hosaini for a reduction in the rate of rent in the khas mahal as also the rate of *salami* for newly settled lands. In certain khas mahals inhuman oppression is committed at the time of collection of rents. I know of cases where a few years ago, during the most strenuous times, Gurkha police were installed in Noabad mahals in Chittagong and paddy belonging to raiyats was reaped and forcibly carried away in lieu of rents. At the time of Revisional Settlement rents in those mahals were enhanced by three hundred per cent. Survey operations were finished last year in the khas mahal of which I am a raiyat. Considering the hard times before the country Rai Bahadur Ramesh Chandra Sen, Assistant Settlement Officer, recommended an enhancement of rent at the rate of two annas per acre in the said khas.

mahal. But as his recommendations came before the Revenue Boa the Hon'ble Member of the Board sent for the opinion of the Collec of our district. Mr. K. G. Morsed was the Collector of Mymensin at the time. My information is that he did not pay the least attent to the miserable plight of the tenants occasioned by the fall in pr of agricultural produce and actuated by a motive to please the Gove ment, recommended a much higher rate for enhancement of rents. the Hon'ble Minister-in-charge my earnest request is that no per with a callous heart should be appointed to the responsible post of Collector of a district. I also want to know whether our Revenue Mir ter has abandoned the policy of enhancing rents in khas mahals at time when his compeers in Bihar have accepted a policy of reducing high rate of rents. Whenever any motion or resolution is brought f ward on behalf of poor raiyats the Hon'ble Ministers simply hold their assurances to us. We have lost all faith in these Minister assurances because the bitter experience of the last seven years l proved beyond doubt that nothing worth the name comes out of th assurances. As this resolution is very urgent, I beg of the mover to withdraw it simply because of the assurance given by the Hon' Minister-in-charge.

Babu UPENDRA NATH BARMAN: My friend has already s how the Government has been increasing their revenue from the Doo khas mahals, and I shall not go over that matter again. I shall o confine my remarks to the policy of Government so far pursued in reg to khas mahal lands. When we have been speaking so much about tyranny of zamindars in Bengal, we have taken it for granted t where the Government is the zamindar, tenants are happier than th brethren who live under the zamindars. But if we compare their with those who live in permanently settled areas, we find it to be qu the reverse. It is no doubt the duty of Government to realise m revenue if possible. Sir, the eastern Dooars were ceded to the Brit Government by the Bhutan Raj to whom it originally belonged in 1 when the area was full of forests, wild beasts and reptiles and was a notorious for its bad health. Even now many of my friends here thi of the Dooars with horror. When this tract of land was ceded to t British Government, Mr. Becket took up the settlement work; th there was another settlement, and the real settlement was taken o by Mr. Saunders. At that time, that vast tract of land brought nothi to the public coffers. Mr. Saunders invited people of the neighbouri districts of Dinajpur and Purnea to come over and take settlement lands practically without any cost. We know that at that time v tracts of land were settled only with a court fee of annas eight. this allurement, some people of the neighbouring districts sold up their belongings, movable and immovable, came to settle in the Dooa

spent their money in clearing the jungles and recovering the waste lands and making it fit for cultivation. Now, Sir, while those waste lands were being made fit for human habitation at the expense of those poor immigrants, Government at the same time pursued a policy of increasing the revenue. It might be said that when there is prosperity in the land, why should not Government have a share in it? But I will show, Sir, so far as those people in the Dooars are concerned, that they are not at all prosperous. Sir, enhancement in rents has been made in the eastern Dooars not because blood has congested there, but with a policy that no blood might be left out. My friend has referred to the settlement of land made by Mr. B. B. Mukherjee. Sir, the final settlement was made by him in the year 1933 and rent or revenue has been fixed according to the following calculation. Government calculated that at that time the price of paddy was Rs. 2-8 per maund. They took the average of the last ten years and fixed the rent on that basis but sir, owing to the depression Government thought that they could not get that increased rent then and there. They paused for some time, and my honourable friend has already shown that at that time no less than 12,000 certificate cases were pending. When, Sir, in the year 1936 the enhanced rent was enforced, what was the condition of the tenants? In that year Government made a calculation of the price of paddy for the years 1934-35 and 1935-36, and the average price of paddy based on the figures of those two years came to Rs. 1-8 per maund, and it was at that time that Government thought it fit to enforce that enhanced rate of rent. Now, Sir, the misery of the tenants who could not pay their revenue beforehand might easily be imagined from these very facts.

Mr. SPEAKER: I hope, Mr. Barman, you will finish your speech in another two minutes.

Babu UPENDRA NATH BARMAN: To get money Government took recourse to Act XI and put up the properties to sale, so that they might be purchased by those who had money in their pockets. At that time these tenures were not remunerative properties, but in order to make them more attractive the rights of the tenants—I mean the *chukanidars* who had existed from the time of Mr. Saunders and who had from before the right of transferring their property were taken away. The system was changed. These tenures were freely transferable up to that time, but now by the settlement of Rai Bahadur B. B. Mukherji all these *chukanis* were made non-transferable—most probably on the analogy of the *raiyati* holdings in the permanently-settled areas. By that artificial means the value of these tenures was somewhat enhanced, and the money-lenders came in to purchase the properties at court sales

for nominal sums. Before that none but agriculturists could purchase such property, and if any Marwari *mahajan* were a bidder at any sale then that sale was not ratified by the Deputy Commissioner, but at the time of the last settlement that rigid law was relaxed, so that money lenders might purchase property freely and more money might thus come to the Government coffer.

My only submission, Sir, is whether Government is justified in enhancing the rate of rent of land in the Western Dooars where many of the tenants lost their lives in clearing the jungles and in making the lands profitable. At a time when the agriculturists were smarting under the burden of economic depression, and they could not clear up their arrears, is it just for Government to increase the value of the tenures by artificial means and invite *mahajans* to bid for properties at revenue sales for the realization of their dues? I think, Sir, that when all the tenants who are in the permanently-settled areas are getting relief in the hands of Government, Government should also consider the case of those poor tenants who live in the khas mahals.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Speaker, Sir, I have listened carefully to the impassioned speech delivered by the mover of the resolution. The resolution urges the fixing of a rate of rent in khas mahals between Re. 1 to Rs. 3 and the rate of a the salami to one year's rent. Besides urging these two points the hon'ble mover and some of his supporters criticised rather freely the khas mahal administration and they accused the khas mahal department for using the certificate procedure without any consideration of the economic condition of the tenants. They also alleged that the rates of rent were sometimes enhanced very unduly. But, Sir, so far as my information goes, Government has all along been looked upon as the ideal landlord (cries of "question, question" from the Congress benches). Government have spent a large sum of money on the improvement of the khas mahal estates. I may mention that nearly 26 lakhs of rupees have been spent on the improvement of the colonisation areas of Bakarganj, Khulna and 24-Parganas. (Mr. Niharendu Dutta Majumdar: What about Hatiya?) and the major portion of this money was spent on works of improvement. The rates of rent also in khas mahal compare quite favourably with the rates of rent in the permanently settled areas. The average rate of rent in the khas mahal is Rs. 2 per acre and by no stretch of imagination one can say that Rs. 2 is a very high rent. It may, however, be possible that in some particular areas the rate was increased unduly. I would request the hon'ble members to bear this fact in mind, namely, that since the 1st of April of this year a very great change has come over the administration of this province. It is no longer the old Government that used to administer the Khas Mahal Department.....

Mr. NAGENDRA NATH SEN: I believe Sir Bijoy Prasad Singh Roy was also the Revenue Minister in the late Government;

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, I was not: my hon'ble friend is absolutely wrong. As I was saying, Sir, the present Government is Government for the people and by the people, and it is the ambition of this Government to conform as much as possible and as far as possible to the wishes of the public of this province. We do not intend to ignore public opinion in fact we cannot do so. If there are grievances in a particular area regarding the rate of rent or the rate of salami or if the rules as laid down in the Khas Mahal Estates Manual have been operating harshly on the tenants in a particular district Government gives this promise most unreservedly that they will enquire into the matter and will try to remove those grievances at the earliest possible opportunity. Sir, I may again repeat that Government have all along been looked upon by at least the private landlords as the ideal landlord, and if there were laches here and there on the part of particular officers those laches are to be deplored, the present Government at any rate are not prepared to tolerate any such laches on the part of their officers. The rate of rent, if it is high, Government propose to reduce it, and the rate of salami also, if it is considered to be high. That is all, Sir, that I can say and this assurance is being given with all sincerity and I do hope that it will be accepted in the same spirit.

Sir, the Khas Mahal Department is a very big department; the total area under the management of this department covers nearly over 6,000 square miles and spreads over several districts. It is not unlikely therefore that in some parts of the province there were difficulties due to the mishandling of the situation by the officers or to failure on their part to appreciate the difficulties of the agriculturists. Sir, it will be my duty to go into the grievances of the tenants very minutely and I propose, to visit Noakhali myself at the next available opportunity and to look into these things myself. (A voice: What about Bakarganj?) Yes, I will also visit Bakarganj and all the khas mahal areas. That is one of my important duties and I hope to improve matters with the help of the Hon'ble Member of the Board of Revenue who has a very large experience of khas mahal management and of the revenue system of Bengal. I may maintain that the rates of rent so far as I can ascertain from the records are nowhere unduly high, but they compare, on the contrary, very favourably with the rates of rent in the permanently settled areas (Cries of "question, question." (Mr. NIHARENDU DUTTA MAJUMDAR: "Between the Devil and the deep sea."). My hon'ble friends need not be surprised. (Mr. SURENDRA MOHON MAITRA: I am really surprised coming as it does from you.) They may come from me, Sir, but they are nonetheless matters of record.

Mr. SANTOSH KUMAR BASU: May I put a question to th Hon'ble Revenue Minister, Sir? Will he commence his investigatio with such a preconceived notion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is not question of preconceived notions. If my notions are wrong, certainl I am open to correction. (A VOICE: Get yourself corrected.) But on has to go by facts and figures and not by mere allegations.

Mr. SHAH SYED GOLAM SARWAR HOSAINI: May I sa Sir that not a single Debt Settlement Board has been established i Noakhali? (Another voice: And at Hatiya also).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope m Hon'ble Colleague Mr. Mullick will take note of these facts and try t expedite the establishment of settlement boards in Noakhali and als at Hatiya. I hope, Sir, I have made the Government point of viev perfectly clear and I give assurances, which are not capable of an misrepresentation or misinterpretation in spite of all the ingenuity o my friends opposite, I hope therefore that my hon'ble friend the move of the resolution will accept my assurance and see his way to with draw the resolution.

Mr. SHAH SYED GOLAM SARWAR HOSAINI: On th assurance given by the Hon'ble Revenue Minister, I am prepared t withdraw my resolution and ask leave of the House to do so. (Crie of "do not withdraw, do not withdraw").

The question that leave be given to withdraw the resolution wa then put and objected to. (On a count being however taken it wa found that there was a majority in favour of withdrawal.)

Mr. SPEAKER: It appears that there is a majority in favour o withdrawal of the resolution.

(A division was then asked from the Congress benches).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope tha the honourable mover will accept my assurance and will withdraw hi resolution.

Mr. SHAH SYED GOLAM SARWAR HOSAINI then asked in Bengali leave of the House to withdraw his motion.

Mr. SPEAKER: The question before the House is that leave be granted for withdrawing the motion.

(Objection was raised to leave being granted.)

Mr. SPEAKER: Before I put the question I would only request the members that when they go to the division lobby their voices should not be so loud as to reach my ears. At the time of the last division I heard the voices of some whom I could distinguish from here. I hope they will desist from doing so.

The motion was put and a division taken with the following result:

AYES.

Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi
Abdul Jabbar Palwan, Mr. Md.
Abdul Majid, Mr. Syed.
Abdul Wahad Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abul Hosain, Mr. Ahmed.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Amir Ali, Mr. Mia.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Brasher, Mr. F. C.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
MacLauchlan, Mr. C. S.
Mafizuddin Choudhury, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabjada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nimmo, Mr. T. B.
Paul, Sir Hari Sanker, Kt.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Roy, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
West, Mrs. Ellen.
Yusuf Ali Choudhury, Mr.

NOES.

Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Aftab Ali, Mr.
Ahmad Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan,
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Yousuf Mirza.
Zaman, Mr. A. M. A.

The Ayes being 94 and Noes 63, the motion was by leave of th House withdrawn.

Mr. SPEAKER: I have been requested by some of the Labou members to sit up a bit late and take up the Labour resolution. Doe the House agree?

Voices: No, No.

Adjournment.

The House was then adjourned till 4-30 p.m. on Friday, the 10t September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 10th September, 1937, at 4-30 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 223 members.

STARRED QUESTIONS

(to which oral answers were given)

Detenus and Internees.

***115. Mrs. HEMAPROVA MAJUMDAR:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to lay on the table a statement showing for the present—

(*i*) the number of detenus now at Deoli, Hijli, Berhampore and other detention camps; and

(*ii*) the number of—

(*a*) village internees, and

(*b*) home internees?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): On the 28th August, the position was as follows:—

(*i*) Deoli Jail	...	299
Berhampore Camp	...	380
(*ii*) Village domicile	...	785
Home domicile	...	473

I should explain that the numbers given as in Deoli Jail and Berhampore Camp included a number of persons in respect of whom orders of transfer to village domicile or home domicile had been issued but not carried out. Such persons have also been included in the number given in answer to part (*ii*). On the 7th September there were seventy in Deoli and seventy-five in Berhampore under orders of transfer.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state why those orders were not carried out by that date?

The Hon'ble Khwaja Sir NAZIMUDDIN: As soon as the orders are given a person is supposed to be in the category to which he is transferred and it takes some time for the orders to be communicated and the person moved. For example, when a person is transferred to village domicile arrangements have to be made for his quarters there and then the areas have got to be declared within which he has got to remain; all this takes a certain amount of time. In the meantime we have passed orders that the person is going to be transferred to village domicile. The intermediate period is the one that is causing all this trouble.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to tell the House whether it is in the contemplation to hasten the release of the detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have already announced the policy on the 9th August, and we are trying our level best to give effect to that. I can assure the House that whatever we have undertaken will be carried out. As far as the process of hastening is concerned it depends very largely on the question of offers of people for looking after the detenus. That is one of the methods by which the thing can be expedited and there is no limit to the process of expediting under that head subject to the consideration that there are a certain number of people whom we consider as leaders and naturally in whose cases we will have to wait till others are released.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether Government are taking any active steps to secure the co-operation of the respective guardians of these internees in order to ask them to take charge or they are waiting for guardians to come up for themselves?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have made the offer and we are waiting naturally. We cannot go to every guardian and say "will you please come", but I have been told by some responsible members of the Opposition Group that there is a certain amount of misunderstanding about the offer that has been made and Government are contemplating issuing a communique explaining more fully what is meant by the offer of Government.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state how many orders for release were passed in respect of how many persons between the 9th August when the policy of Government was announced and the 20th August.

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice for that I may tell the House again that every day orders are being passed but I have not got the figures just now at my disposal.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what is the number of people whom they at present consider dangerous?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Female detenus and political prisoners in Bengal.

***116. Mrs. HEMAPROVA MAJUMDAR:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) the present number of female detenus and political prisoners in Bengal;

(*ii*) the names of the different jails in which they are interned;

(*iii*) whether they get any association in these jails; and

(*iv*) whether there are arrangements in these jails for the treatment of female diseases?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) There are 6 female prisoners convicted of murder or other terrorist offences, and one detenu in jails in Bengal.

(*ii*) Presidency, Midnapore, Dacca and Dinajpur.

(*iii*) There are other female convicts with whom the prisoners referred to can associate. The detenu has three female convicts as attendants; she has stated in writing that she would prefer to be alone for the time being, and that she is perfectly at ease under her present condition.

(*iv*) Yes.

Suits for enhancement of rents in Mymensingh since 1929 to 1936.

***117. Mr. ABDUL KARIM:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) the number of suits instituted by landlords for enhancement of rents under section 48D of the Bengal Tenancy Act in the different Munsifs' Courts in the district of Mymensingh since 1929 to 1936; and

(*ii*) the maximum rate of rent per bigha decreed in those suits?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): Separate statistics of these cases are not maintained and in order to supply the information a prolonged search through numerous registers would have to be undertaken, which I regret I am not prepared to order.

A Member: Will the Hon'ble Minister be pleased to state the reasons why he is not prepared to give such an order?

Mr. SPEAKER: The reason is given in the answer.

A Member: Will the Hon'ble Minister be pleased to state if there is any register under section 48B kept by the Civil Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: No separate statistics are kept.

A Member: Will the Hon'ble Minister be pleased to state if the members of this House have any right to know the effect of any piece of legislation passed by this Assembly?

Mr. SPEAKER: That does not arise out of this question. Whatever right the House has, the House has.

Ministerial officers and sheristadars of the Civil Courts.

***118. Al-Haj Maulana Dr. SANAULLAH:** (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware that many ministerial officers and sheristadars of the civil courts in Bengal are retained in the same station for more than five years in violation of the High Court Rule 1007 read with Note?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister state why the present sheristadar of the District Judge's Court, Chittagong, before his confirmation as such in April last was retained in the same station for more than ten years in flagrant violation of the High Court Rule 1007 with Note?

(*c*) Is the Hon'ble Minister aware that the said ministerial officer has again recently been appointed as the sheristadar and retained in the same station in contravention to the letter and spirit of the High Court Rules 1006 and 1007 in spite of repeated representations made from time to time both through press and platform as well as by the representative persons of the district to the authorities concerned?

(*d*) Has the Hon'ble Minister taken any step on the written complaint submitted by Maulana Maniruzzaman Islamabadi, a member of this Assembly, regarding this matter?

(*e*) If not, does the Hon'ble Minister propose to take immediate steps to remedy this long-standing wrong?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: By the courtesy of the High Court I am able to supply the following answers to (*a*), (*b*) and (*c*):—

(*a*) Rule 1007 was only enacted about 2 years ago. No such rule existed prior to the publication of the new Civil rules, except one which related to clerks performing the duties of Accountants and Cashiers (rule 15†, Chap. XII, p. 304). Since its promulgation extensive transfers of clerks have been, and are being, carried out if they come within the purview of the rule and note.

(*b*) The ministerial officer in question is believed to have occupied the post of District Judge's Head Clerk for a number of years before being appointed as Sheristadar; there was no rule requiring his transfer from his head clerkship prior to the publication of the present rule 1007. Moreover, there was no post of the same grade to which he could have been transferred, except another post at Sadar; there was no provision then corresponding to that contained in the second clause of rule 1007.

(*c*) There is nothing against his being retained for 5 years from the date of his appointment as Sheristadar under clause (1) of rule 1006; under clause (2) however he is eligible for transfer after 3 years if the High Court considers it desirable. He can only be retained for a lesser period under clause (3) of the same rule, and then only if the High Court is satisfied that it is in the interests of the service that he should be transferred earlier.

(*d*) and (*e*) The matter is one for the High Court, which as the hon'ble member will see from the above replies, is well aware of the facts of the case.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state what steps are being taken by the Hon'ble High Court in regard to the complaint lodged by Maulana Maniruzzaman Islamabadi?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have already stated the case in my answer. There you will see that the particular officer was in the Chittagong office for 9 years or so and there was no rule at that time to transfer any clerk from one office to another up till the promulgation of Rule 1007. The new Rule 1007 has come into operation just three years ago. So the District Judge or anybody who was in charge of that place had no power to transfer an officer

†Rule 1008 new rules.

from Chittagong. The new Rule also lays down that a man can be transferred only after 5 years and in some cases after three years. Five years have not yet passed and I cannot understand what can be said against the High Court in a case like this.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state whether the Hon'ble Minister is entitled to get a reply from the High Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not know what more answer he wants from me. If the man is transferred he must be transferred under certain rules. The rule provides that a man should not be transferred unless he has been in one place for 5 years. The man is there just for a few months in a particular post. Till that time is complete I do not know how he can be transferred and why should the High Court be characterised as not doing justice.

Appointments made in the Collectorates of Rangpur, Jalpaiguri and Dinajpur since 1935.

***119. Mr. PUSPAJIT BARMA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state, district by district,—

(*a*) the number of appointments made in the Collectorates of Rangpur, Jalpaiguri and Dinajpur since 1935;

(*b*) the number of permanent and temporary appointments;

(*c*) the number of general and scheduled castes Hindus and Muhammadans;

(*d*) how many of the general and scheduled castes Hindus and Muhammadans in temporary appointments, have since been discharged; and

(*e*) how many of the general and schedules castes Hindus and Muhammadans in temporary appointments, have since been made permanent?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): A statement is laid on the table.

Babu KSHETRA NATH SINGHA: Is the Hon'ble Minister in charge aware that there is a circular that every fourth appointment will go to the scheduled castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Statement referred to in the answer to starred question No. 119 relating to the number of appointments made since 1935 in the Collectorates of Rangpur, Jalpaiguri and Dinajpur.

District.	Number of appointments made—						Number of temporary clerks discharged.			Number of temporary clerks made permanent.		
	Permanent.	Temporary.	Total.	Caste Hindus.	Scheduled castes.	Muslims.	Caste Hindus.	Scheduled castes.	Muslims.	Caste Hindus.	Scheduled castes.	Muslims.
Dinajpur ..	7	18	25	13	3	9	Nil	1	Nil	3	Nil	2
Rangpur ..	11	53	64	31	12	21	1	1	4	6	2	3
Jalpaiguri ..	7	52	59	24	17*	17	2	5	1	1	Nil	4

* One additional post was filled up by a member of the minority community.

"Hajat" room at Rangpur Sadar.

*120. **Haji SAFIRUDDIN AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that the *hajat* room attached to the criminal courts at Rangpur Sadar, is very narrow and small without sufficient arrangement for ventilation and accommodation? If so, does the Government contemplate to arrange for a spacious and well-ventilated room for the convenience of the unfortunate under-trial persons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This is not a fact. The Court lock-up has an area of 130 square feet. There are iron-grated door and window and three ventilators high up in the walls to let in enough light and air. This is sufficient for the number of under-trials ordinarily produced before the Magistrates.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware of the number of undertrial prisoners ordinarily produced before the Magistrate of Rangpur?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state how much cubic area of space does an individual need?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, a cubic area of 130 feet is considered to be quite sufficient for the number of under-trials usually put in this *hajat*. I think that is a sufficient answer.

Mr. NIHARENDU DUTTA MAZUMDAR: If the Hon'ble Minister is not aware of the number of undertrials ordinarily produced, how can he say that the space is sufficient?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: I submit, Sir, the question is——

Mr. SPEAKER: Mr. Dutta Mazumdar, I quite see your point. I have understood your arguments and the conclusion you want to draw from the answer. You cannot cross-examine the Hon'ble Minister, but may put further questions for information.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I bow to your ruling. I want to put another question and that is——

Will the Hon'ble Minister be pleased to take the trouble of finding out exactly the average number of undertrials ordinarily produced before the Magistrate of Rangpur and on the basis of that number to see whether a space of 130 square feet is fit for the number?

Mr. SPEAKER: That is a request for action.

Appointment made in the civil and criminal courts of Mymensingh in 1936 and 1937.

***121. Mr. MONOMOHON DAS.** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) the total number of appointments made in the civil court of Mymensingh district in the years 1936 and 1937; and

(*ii*) the number of the appointments held by the general Hindus, scheduled castes and the Muhammadans specifically in the said district at present?

(*b*) Is the Hon'ble Minister considering it an immediate necessity to make up the deficiency in the services by giving special facility to the scheduled caste candidates?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) 4 from the 1st April, 1936, to 31st March, 1937.

(*ii*) 123, 3 and 87 on the 31st March, 1937.

(*b*) The member is referred to the answer to clause (*b*) of the question No. 32 asked by Mr. Rasik Lal Biswas on the 24th August, 1937.

Mr. MONMOHAN DAS: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether Government contemplate to increase the percentage of appointments from Schedule caste candidates on the population basis?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That is not possible but the matter is under consideration.

Mr. RASIK LAL BISWAS: With reference to the figures stated in answer (*a*) (*ii*), viz., 123, 3 and 87, will the Hon'ble Minister be pleased to state whether the figures show the ratio contemplated for the Schedule caste men?

Mr. SPEAKER: Mr. Biswas, the ratio must be in proportion to something.

Mr. RASIK LAL BISWAS: Sir, I want to know whether the figures represent the ratio of appointments made from the Schedule caste.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The figures do not give the ratio but the exact number of appointments made from different communities in the year 1936-37.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Restriction of jute cultivation.

109. Mr. ABDUL KARIM: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state separately—

(*a*) the amount spent for jute restriction propaganda in Bengal during the years—

(*i*) 1935-36, and

(*ii*) 1936-37;

(*b*) the result obtained by such propaganda so far as cultivation of jute was concerned; and

(*c*) the benefit, if any, accrued to the jute-growing population by such propaganda?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) The member is referred to the answer given to clause (*i*) of unstarred question No. 31 at the meeting of the Bengal Legislative Assembly held on the 24th August, 1937.

(*ii*) The final accounts are not yet made up. The information will be communicated to the member as soon as available.

(*b*) From the official forecast figures it appears that, compared with the year immediately preceding the introduction of jute restriction, there was a reduction in acreage sown of about 162,000 acres in 1935-36 while in 1936-37, the reduction is estimated at about 234,000 acres. The member is also referred to the Communique issued on the 7th October, 1936, a copy of which is placed on the Library table.

(c) Some idea of the benefit which accrued to the jute-growing population may be gathered from the fact that the average price per maund of jute landed in Calcutta rose from Rs. 4-10-3 in the year immediately preceding restriction to Rs. 5-15 in 1935-36 and Rs. 5-12 in 1936-37.

Mr. SYED JALALUDDIN HASHEMY: Sir, is it not desirable to supply us, the members of this House, with the printed question papers a little beforehand in order to enable us to frame supplementary questions?

Mr. SPEAKER: On this point I am afraid the Hon'ble Home Minister is lying between Scylla and Charybdis. In fact, it is usual to place the question papers before the members half-an-hour before the meeting commences but the sitting of the Upper House was so arranged that it was not possible to place the questions even 10 minutes before we commenced our sitting. It is a matter in which the Hon'ble Home Minister is to take action but as I have said he is between Scylla and Charybdis.

Mr. SYED JALALUDDIN HASHEMY: Sir, it is stated in some answers that the statement is laid on the Library table. Is it possible for 200 members to go to the Library table?

Mr. SPEAKER: I quite understand that it is rather difficult for you to go to the Library but unfortunately if the Government desires to place any statement on the Library Table it is very difficult to manage it otherwise. I do not think that the Chamber has any place where the statement can be placed. It is also awkward for about 250 members to flock round a table. The Library is therefore the only place where it can be placed.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, in view of what you have said will it not be possible for you to allow members to put supplementary questions on the next day?

Mr. SPEAKER: It is very difficult to do that. If however the Government can supply the statement a day before the meeting I am quite prepared to help them; but I cannot allow supplementary questions on the next day.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, would you ascertain Government's opinion on this point?

Mr. SPEAKER: As I have said if the statement is supplied to us day before then it can be possible.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we shall try in future whenever possible, to place the statement on the Library Table one day before. The position however is that there are some departments which have got 500 questions pending and we have got our Council work as well. We are trying our best to dispose of all the questions by getting the answers ready before the Assembly session is over. But it is sometimes not possible to send the answers a day ahead. I and my colleague will however try as far as possible to see that the statements are laid on the Library Table as early as possible.

Mr. SYED JALALUDDIN HASHEMY: Sir, with reference to answer (*b*), will the Hon'ble Minister be pleased to state whether it is a fact that the persons in charge of submitting the acreage table did not care to take any measurements of the lands before submitting their report to the authorities?

Mr. SPEAKER: I am afraid this is a speech and not a question.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is a fact that the report supplied is not at all correct?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall enquire into the matter.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether the rise in the price of jute in 1936-37 as compared with the price in 1934-35 is due only to the restriction of jute cultivation in that year?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware it is so.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state the area under jute in 1937 as compared with that in 1936?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is stated in the answer.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state the reason why the price of jute in 1936-37 went down to Rs. 5-12 while it was Rs. 5-15 in 1935-36?

Mr. SPEAKER: I am afraid Mr. Bari is entering into a highly technical economic discussion.

Maulvi ABDUL BARI: Who supplies the acreage and the price of jute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The Department of Agriculture.

A member: Is the Hon'ble Minister aware that although jute sowing begins in March, the calculations are made from April?

Mr. SPEAKER: That is a matter of administrative policy.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the reply given to question No. 109 is contradictory to that given to No. 116.

Mr. SPEAKER: I think Mr. Bari should wait till No. 116 comes up.

Boat-hire charges in certain places of Rangpur.

110. Babu KSHETRA NATH SINGHA: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that in the district of Rangpur boat-hire is charged in places where boat is not necessary neither it is available in places such as police-station Hatibandha and Kaliganj in Sadar subdivision, Lalmonirhat, Nageswari, Kurigram and Ulipur in Kurigram subdivision and Gaibandha, Sundarganj, Palashbari in Gaibandha subdivision?

(*b*) Do the Government think it desirable to stop such boat-hire and save the litigants from unnecessary expenses?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Does not arise.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to enquire whether the boat hire is charged or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government did enquire and was satisfied that it is not a fact.

Restriction for visitors to the Writers' Buildings.

111. Mr. ABUL HOSAIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) when the restriction for visitors to the Writers' Buildings was introduced;

(*ii*) whether the condition necessitating such restriction still exists; and

(*iii*) whether Government contemplate withdrawal of the restrictions for visitors intending to interview the Ministers and Indian officers in the Secretariat?

(*b*) Is it a fact that some of the Indian gazetted officers in the first floor can pass only on identification while going to see the Hon'ble Ministers and Secretaries?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) I understand that the restrictions were introduced in December, 1930, after the murder of Colonel Simpson and attempts on the lives of other officials by terrorists.

(*ii*) Yes.

(*iii*) No.

(*b*) The police officers on duty are acquainted with the officers of the Secretariat, and the question of identification does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Home Minister be pleased to state whether he thinks it desirable to give the members of the House a special badge to enable them to go to Writers' Buildings, without any disturbance?

The Hon'ble Khwaja Sir NAZIMUDDIN: The members of this House and the Upper House can go to Writers' Buildings if they have their membership cards with them.

Increment of pay of the process-servers.

112. Mr. DHANANJOY ROY: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether he is aware that in the report of the Civil Administration of Justice in Bengal for the year 1933 the Hon'ble High Court remarked that "The Court cannot refrain from placing on record their sense of disquietude at finding that in the year under review while more than Rs. 24 lakhs were realised as process-fees the total expenditure incurred in maintaining the establishment was less than Rs. 10 lakhs"?

(*b*) If so, will the Hon'ble Minister be pleased to state what actions, if any, have yet been taken on the remarks?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that the Government could not give an increment in pay of the process-servers for want of funds?

(*d*) If so, will the Hon'ble Minister be pleased to consider the desirability of raising the pay of the process-servers now?

(*e*) Will the Hon'ble Minister be pleased to state whether the recommendations of the Civil Justice Committee may be given effect to by the surplus funds of process-fees left with the Government after paying the process-servers?

(*f*) If not, will the Hon'ble Minister be pleased to state the amount required to give effect to these recommendations?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes.

(*b*) None.

(*c*) Financial stringency has been a reason in the past why the question could not even be considered.

(*d*) The claims upon our increased resources will be many. The case of the process-servers will not be overlooked, but I am in no position at the moment to say what will happen. The surplus funds form part of the Provincial Revenues.

(*e*) and (*f*) The Civil Justice Committee recommended that a much higher scale of pay should be introduced in order to attract a class of recruits of a higher social level with greater intelligence, honesty and efficiency. If the present staff of process-servers were replaced by such a different class on the sort of scale favoured by the Committee, the cost would be more than double that of the present staff. There are some 4,000 process-servers under the Judicial Department alone and a rise of pay Re. 1 per mensem to the present staff would cost about Rs. 50,000 per year. Government has many other servants of a similar status, and it would be impossible to confine the increase to those under the Judicial Department.

Personal and family maintenance allowance of detenus.

113. Babu NARENDRA NARAYAN CHAKRABARTY: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether he is aware of the observations made by the Hon'ble High Court of Calcutta in their judgment in the appeal filed by Miss Renuka Sen, of Munshiganj, restrained under the Bengal Criminal Law Amendment Act, against her conviction in the criminal suit Government of Bengal *vs.* Miss Renuka Sen, that any person under detention or restriction without judgment was entitled to personal and family maintenance allowance?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'bl Minister be pleased to state—

(*i*) whether the Government have taken any action on the lines o the observation so made; and

(*ii*) the number of applications which have been refused by th Government for personal and family allowance since afte the said observations made by the Hon'ble the High Court

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The Hon'ble Judge are known to have expressed the opinion, subject to anything that might be said by the Crown, that Government are under the obligation to make an allowance for the support of a person placed under restraint under section 2 of the Bengal Criminal Law Amendment Act, 1930. They said nothing about an allowance for the family of such a person.

(*b*) (*i*) Yes.

(*ii*) Material for a reply to this question cannot be obtained without an undue expenditure of time and labour.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*b*) (*ii*), will the Hon'ble Minister be pleased to state whether Government did receive all these applications in the same Department or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. But the applications that have been received, are kept in the respective personal file of each detenu; and if enquiries have to be made, the personal file of every detenu will have to be searched before the information can be obtained. Moreover, as each file is of fairly large size, it is very difficult to collect materials on a general basis.

A Member: Will the Hon'ble Minister be pleased to state whether it can be done in the course of a day?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it will take months in certain cases.

Mr. MANMATHA NATH ROY: Is there not a separate register for such applications?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have already stated the manner in which these applications are kept.

Mr. MANMATHA NATH ROY: Will the Hon'ble Minister be pleased to state whether he has made any attempt to secure the information asked for?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have nothing further to add to what I have said.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to (*b*) (*i*), will the Hon'ble Minister be pleased to state whether Government intend to take action in the light of the observations made by the Hon'ble High Court, as it is incumbent on the Hon'ble Minister to find out whether representations have been made by detenus and to ascertain in how many cases Government has acted in accordance with the directions of the High Court?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Hon'ble High Court did not give any directions and they also made their observations without hearing the Government Counsel and that fact is mentioned in the judgment. After that judgment, since the 1st April last Government have decided, or rather are giving allowances to home internees.

Detenus.

114. Mr. SATYA PRIYA BANERJI: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to lay on the table a statement showing for the period from the 1st April, 1930, to the 31st March, 1937,—

(*i*) the total number of applications received from detenus in camps, jails, village domicile or interned at home, respectively, regarding their grievances to the Government;

(*ii*) the number of them that were favourably considered; and

(*iii*) the number of them that were rejected with grounds for refusal?

(*b*) Will the Hon'ble Minister be pleased to lay on the table another statement for the aforesaid period showing—

(*i*) the number and names of detenus transferred from Deoli and other detention camps for mental derangement;

(*ii*) the number and the names of the detenus who died in camps with the places and the years of their death and the nature and duration of their illness;

(*iii*) whether the relations of detenus were informed in time of their illness and death; and

(*iv*) the number and the names of those detenus who committed suicide in camps and jails with reasons for such a step, if any?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Material for th preparation of such statements is not readily available and cannot l collected without an expenditure of time and labour which Governme are unable to undertake.

(*b*) (*i*) Eight. I am not prepared to give the names of the perso concerned.

(*ii*) One. Nanda Dulal Bose died of small-pox in Hijli in Apri 1934, after being ill for about a fortnight.

(*iii*) There are standing orders to the effect that the next of ki should be informed by telegram when a detenu becomes seriously i or the death of a detenu takes place.

(*iv*) Four. I am not prepared to give the names. It appears th in one case the individual apprehended violence at the hands of oth detenus. No reasons could be ascertained in other cases.

Rai HARENDRA NATH CHOUDHURY: With reference answer (*b*), to what places were these eight persons transferred?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai HARENDRA NATH CHOUDHURY: Was any of them cure of his malady and was he transferred back to detention?

The Hon'ble Khwaja Sir NAZIMUDDIN: Some of them were cer tainly cured, but I am not sure about the latter part of the question.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (*a*) has the word "unable" been used in its proper sense or is it implied?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a matter of inter pretation and I leave it to the member to interpret as he likes.

Cattle epidemic in the Patuakhali subdivision.

115. Mr. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'bl Minister in charge of the Agriculture and Industries Department b pleased to state whether it is a fact that cattle epidemic took a heavy tol (about 90 per cent. perishing last year) in the Patuakhali subdivision?

(*b*) Is it a fact that Sona Khan and others of Taktabunia, police station Amtali, wrote to His Excellency the Governor General Lord Linlithgow about that mortality in March last?

(*c*) Is it a fact that the matter after being referred to the Govern ment was again referred to the Agriculture Department at Dacca?

(*d*) Will the Hon'ble Minister be pleased to state whether any steps have been taken to give relief to the suffering peasants?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister consider the desirability of doing the same?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) There was a serious outbreak of epidemic cattle disease, but the mortality was nothing like 90 per cent.

(*b*) and (*c*) I have no information.

(*d*) In order to prevent further loss of cattle, arrangements have been made to provide 3 Government Veterinary Assistant Surgeons in 3 boat dispensaries for Bakarganj, one being for Patuakhali subdivision.

(*e*) The question does not arise.

Mr. ATUL KRISHNA GHOSE: Before you called the next question, I had a mind to put further supplementary questions to No. 114, but I failed to catch your eye.

Mr. SPEAKER: I am quite prepared to allow full one hour for questions if that is the desire of the House. But I am trying to expedite the disposal of questions on account of the heavy Government business which we have got to take up to-day. Already we have spent half-an-hour over questions. I have allowed numerous questions relating to detenus and I have also given the widest possible latitude so far as supplementary questions are concerned.

Mr. SANTOSH KUMAR BASU: But that is the only way that some amount of information can be obtained from Government.

Mr. SPEAKER: I quite agree but my point is whether I should allow even more time for putting supplementary questions. I should like to know from the Leader of the Opposition and also from the leaders of the different groups whether it is their desire that full one hour should be devoted to questions.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, in this matter I would not pretend to advise you, but would leave the matter to you to judge according to the importance of the questions.

Mr. SPEAKER: Thank you.

Maulvi ABDUL BARI: With respect to answer (*a*), if it was not 90 per cent., what was it?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I require notice.

Average price of jute.

116. Mr. ADWAITA KUMAR MAJI: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) what were the average prices of jute obtained by the jute-growers of Bengal during the years 1934, 1935 and 1936; and

(*ii*) what is the average price obtained by them during the current year?

(*b*) Is it a fact that the prices of jute have increased since the year 1934 due to the gradual adjustment of supply and demand of raw jute?

(*c*) If so, does the Government intend to conduct a propaganda for the adjustment and supply of raw jute during the sowing period of the next crop?

(*d*) If not, does the Government realise that in view of the present prices of jute and low prices of paddy and sugarcane there are likely to be more sowings of jute in the next year exceeding the demand?

(*e*) Does the Government consider it necessary to form a small committee consisting of officials and non-officials with a whole-time Secretary to watch over the interest of the jute-growers of the province and to formulate measures for securing better prices of jute to them and also to appoint a *liaison* officer between the other jute-growing provinces and the Indian Central Jute Committee?

(*f*) Does not the Govenment consider it necessary to appoint an officer to study the problems of jute and to acquaint the Government with those problems to enable them to formulate measures for their solution?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The average prices of jute landed in Calcutta during the years 1934, 1935, 1936 and 1937 (up to first half of August, 1937), are as follows:—

	Rs	a.	p.
1934	... 4	4	0
1935	... 5	7	1
1936	... 5	12	5
1937	... 6	5	0

(*b*) Yes.

(*c*) and (*d*) The matter is under consideration.

(*e*) At present, no.

(*f*) The Central Jute Committee has been appointed expressly for this purpose and the appointment of an officer as suggested would be superfluous.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*), what ratios these prices bear to the cost of production of jute per maund?

Mr. SPEAKER: I do not think that has anything to do with the main question.

Rai HARENDRA NATH CHOUDHURY: In answer to question 109 (*c*), it has been stated that the price of jute in 1936-37 was Rs. 5-12, but in answer to this question it is said that the price was Rs. 6-5 in 1937. Will the Hon'ble Minister please reconcile the figures?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In the first question it was the price which prevailed during 1936-37 and in the second it was the price in 1937. There must be a difference in price at different times.

Mr. SURENDRA NATH BISWAS: Has the Central Jute Committee acquainted this Government with any problem relating to jute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Maulvi ABDUL BARI: Who are the members of the Central Jute Committee?

Mr. SPEAKER: Order, order. You can ascertain that from Government publication.

Mr. ADWAITA KUMAR MAJI: Does the Government propose to take any steps regarding the sowing of jute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I think the matter is under consideration.

Reduction of price and size of folios.

117. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state the reason—

(*i*) for reducing the size of folios; and

(*ii*) for not reducing the price proportionately?

(*b*) Will the Hon'ble Minister be pleased to state whether Gover ment are prepared to reduce the price of the folios or in the alternati to restore the former size of the folios?

(*c*) Is the Hon'ble Minister aware of the resolution passed in tl Copyists' Conference held at Faridpur suggesting increment of the du of the copyists proportionate to the increased price of the folios?

(*d*) If the answer to (*c*) is in the affirmative, are Governme prepared to give effect to the said resolution?

(*e*) Will the Hon'ble Minister be pleased to state the rate "bonus" granted to the copyists per rupee deducted from the remuneration?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadu

(*a*) (*i*) The size of the folio was reduced on grounds of economy.

(*ii*) The decrease in size being inconsiderable, no reduction in pri was warranted. The number of "cages" remained the same. Tl change was made by the Government of India after consulting Loc Governments.

(*b*) No.

(*c*) Government have no information.

(*d*) Does not arise.

(*e*) The Government contribution is $4\frac{1}{16}$ per cent. of the su scriber's emoluments.

Khasmahals within the jurisdiction of the Collector of Mymensingl

118. Mr. MIRZA ABDUL HAFIZ: (*a*) Is the Hon'ble Minist in charge of the Revenue Department aware that—

(*i*) more than 30 khasmahals, namely, Anuhala, Koatbar Ghosepara, Katuli, etc., situated on the eastern bank of tl main current of the river Jamuna were a few years bac under the rent-collection of the Deputy Collector of Tanga within the jurisdiction of the Collector of Mymensingh;

(*ii*) that those khasmahals were retransferred later on to the ren collection of the Deputy Collector of Pabna within th jurisdiction of the Collector of Pabna; and

(*iii*) from that time the tenants of those khasmahals are labourin under a great difficulty owing to the loss of money, loss o energy and not unfrequently the loss of property (beside the journey troubles from Porabari to Pabna *via* Serajganj)

(*b*) Will the Hon'ble Minister be pleased to assure this house that the Government is contemplating—

(*i*) to retransfer those khasmahals situated on the eastern bank of the main current of the Jamuna river to the rent-collection of the Deputy Collector of Tangail within the jurisdiction of the Collector of Mymensingh; and

(*ii*) to establish a khasmahal camp at central place like Anuhala-Koatbari for the advantages of the khasmahal tenants of the locality in general?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) Yes.

(*iii*) The change was made after consulting the local officers both in Mymensingh and Pabna. The Jamuna is always washing away island *chars* and re-forming them on new sites, sometimes on one side of the main river, which is notified as the district boundary, and sometimes on the other. It was considered that it would be more convenient for the tenants of estates situated on the Mymensingh bank of the big river to cross by boat to the *kutcheries* on the western bank in Pabna than to go to Tangail headquarters through villages in which there were no roads. Though the people of some of the villages may have been inconvenienced, it is not certain that the tenants of all villages object to the change.

(*b*) (*i*) The letters recently received from the Collector of Pabna and the Subdivisional Officer, Tangail, show that there are strong arguments on both sides. Government are prepared to ask the Board to consider the matter again.

(*ii*) It would not be safe to build a khasmahal office in a village where there is any danger of diluvion.

Mr. MIRZA ABDUL HAFIZ: With respect to answers (*a*) and (*b*), will the Hon'ble Minister be pleased to state what is the source of his information?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The information was obtained from the local officers.

Mr. MIRZA ABDUL HAFIZ: Is it not a fact that almost all these *khas mahal* lands are situated within ten miles from Tangail?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It may be so.

Circular issued by the Military Intelligence Officer of Dinajpur to all the schools.

119. Babu SHYAMA PROSAD BARMAN: (*a*) Is the Hon'ble Minister in charge of the Home (Appointment) Department aware of a circular issued by the present Military Intelligence Officer of Dinajpur to all the schools of the district inviting them to join an Inter-School District Sporting Association on payment of a subscription of Rs. 25 for each high English and Rs. 5 for each middle English school and an entry fee of 4 annas and 1 anna, respectively, for every student on the roll?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the purpose for the formation of the Inter-School Association; and

(*ii*) whether it is obligatory for each school to join the Association and pay the fee and subscription as directed?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I understand that a circular was issued and the annual subscription is Rs. 25 for each boys' high English school and Rs. 5 for each girls' school. The entry fee for boys' high English schools has been reduced to 2 annas per student. The circular was issued under the authority of the Dinajpur Inter-School District Sporting Association which is a branch of the Indian Schools Sporting Association, Bengal.

(*b*) (*i*) To further the ideals of the Youth Movement and the spread of physical culture and social uplift among the younger generation.

(*ii*) No.

Detenu Sj. Subimal Sarkar, B.Sc. (Eng.).

120. Mr. SATYA PRIYA BANERJI: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*a*) whether it is a fact that Sj. Subimal Sarkar, B.Sc. (ENG.), was earning a sum of Rs. 250 per month as an Engineer before his arrest in October, 1932;

(*b*) whether it is known to Government that he was contributing monthly about Rs. 100 to his aged and invalid parents for their maintenance;

(*c*) whether it is a fact that his aged and invalid parents were not granted any allowance;

(*d*) whether it is a fact that he was granted a fortnight's leave and thereafter a fortnight's extension in June to see his ailing father at Rajshahi;

(*e*) whether it is a fact that he applied for a second extension of his leave;

(*f*) whether it is a fact that before the receipt of any order on his application for the second extension of leave he was taken away from his ailing father and transferred to the Presidency Jail;

(*g*) whether his application for the second extension was rejected; and

(*h*) if so, the reasons for his not being timely informed?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) I am informed that this detenu returned home from Malay in December, 1931, after having relinquished his appointment there, and that until his arrest in October, 1932, he did nothing but render some slight assistance in his father's contracting business. No allowance was granted for some time after his arrest as the family required no assistance. Recently, however, an allowance has been sanctioned as the condition of the family has changed for the worse.

(*d*) Yes.

(*e*) Government have received no such application.

(*f*) to (*h*) Do not arise.

Mr. NIKUNJA BEHARI MAITI: With reference to answers (*a*) to (*c*), line 5, how long was the family given no allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Percentage of Muslim representation in the Calcutta High Court.

121. Mr. MD. MOHSIN ALI: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state the percentage of Muslim representation of employees separately in all the cadres in the Original Side of the Calcutta High Court?

(*b*) Is it a fact that out of the total strength of 145 permanent employees in the different cadres in the Original Side only 8 are Muslims?

(*c*) Will the Hon'ble Minister be pleased to state the total number of temporary clerks in the Original Side and also how many of them are Muslims?

(*d*) Will the Hon'ble Minister be pleased to state if he is contemplating recruitment of only Muslims to get the required percentage of their representations in Government services by properly advertising all the future vacancies?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) to (*c*) The member is referred to the answer to unstarred question No. 48 asked by Mr. Shah Syed Golam Sarwar Hosaini in this session of the Assembly, and to the information supplied by the courtesy of the High Court.

(*d*) Government has no concern with recruitment to these posts.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*d*), has the Government laid down any percentage in regard to the recruitment of judicial officers?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have already said that the High Court is an autonomous body.

Maulvi MUHAMMAD ISRAIL: Has the Hon'ble Minister any hand in the matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The Government of Bengal do not want to interfere with the management of the High Court.

Lecturers in the Bengal Veterinary College.

122. Maulvi MD. HASANUZZAMAN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing for the Bengal Veterinary College—

(*i*) how many Lecturers are there at present; and

(*ii*) how many of them are (*A*) Muhammadans and (*B*) Hindus?

(*b*) Will the Hon'ble Minister be pleased to state whether there is any Assistant Lecturer?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is a Hindu or a Muhammadan?

(*d*) Will the Hon'ble Minister be pleased to lay on the table another statement showing for the Bengal Veterinary College—

(*i*) how many House Surgeons are there in the different attached hospitals;

(*ii*) how many of them are (*A*) Muhammadans and (*B*) Hindus;

(*iii*) how many glanders inspectors are attached thereto; and

(*iv*) how many of them are (*A*) Muhammadans and (*B*) Hindus?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) A statement is laid on the table.

(*b*) Yes, one.

(*c*) Hindu.

(*d*) A statement is laid on the table.

Statement referred to in the answer to clause (a) (i) and (ii) of unstarred question No. 122.

Total number of Lecturers	..	..	6
Hindus	..	..	4
Muhammadans	..	..	2

Statement referred to in the answer to clause (d) of unstarred question No. 122.

Designation of posts.	Total number of posts.	Hindus.	Muhammadans.
House Surgeons	3	3	Nil.
Glanders Inspectors	7	5	2

Paid apprentices in the Bengal Government Press.

123. Mr. BIRAT CHANDRA MANDAL: (*a*) Is the Hon'ble Minister in charge of the Finance Department aware that paid apprentices are taken in the Bengal Government Press?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the number of such apprentices appointed from 1920 to 1936, year by year;

(*ii*) their pay;

(*iii*) the expenditure incurred for them and the income derived from their work;

(*iv*) whether the apprentices appointed had any relations among the employees of the Bengal Government Press;

(*v*) if so, their names and designations;

(*vi*) the qualification required of such apprentices, the mode of their selection; and

(*vii*) whether all such apprentices were employed in the Bengal Government Press after completing their period of apprenticeship?

(*c*) If the reply to clause (*b*) (*vii*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for taking more apprentices than are actually necessary?

(*d*) Will the Hon'ble Minister be also pleased to state whether it is a fact that the apprentices are given annual increments in their salary?

(*e*) Is it also a fact that—

(*i*) the trained workers of even 30 years' standing do never get the increment of their salary that is paid to these apprentices; and

(*ii*) that there is no system of regular increment in the wages of these workers?

(*f*) If the answers to (*d*) and (*e*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) Yes.

(*b*) (*i*) A statement is laid on the Library table.

(*ii*) A statement showing the grade of pays given to apprentices is laid on the table.

(*iii*) The information desired by the hon'ble member is not readily available and cannot be obtained without an expenditure of time, labour and money, which Government are not prepared to undertake.

(*iv*) and (*v*) Yes; a statement is laid on the Library table.

(*vi*) The qualification required of an apprentice is that he should possess a good knowledge of English and should be able to read English documents easily. An examination is held every year when candidates are put to a test.

(*vii*) Yes.

(*c*) Does not arise.

(*d*) Yes, five annual increments.

(*e*) (*i*) and (*ii*) It is true that piece-workers do not get regular annual increments, but they can earn many more than five increments according to their skill.

(*f*) It was supposed that these two sets of conditions were mutually equitable.

Statement referred to in the answer to clause (b) (ii) of unstarred question No. 123.

A.—Apprenticeship commencing at the age of 17-20 years :—

	Rs.
1st year	35
2nd year	40
3rd year	45
4th year	50
5th year	55

B.—Apprenticeship commencing at the age of 21-23 years :—

	Rs.
1st year	40
2nd year	45
3rd year	50
4th year	55
5th year	60

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister, who is absent, be pleased to state——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In the absence of my colleague, I shall try to answer the question.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister says that he will only try to answer my questions. The other day you ruled that if a particular Minister is absent at the question time, it could be answered later on, but that it is very desirable for the Hon'ble Minister to be present at the question time.

Mr. SPEAKER: I am helpless in the matter. It is the duty of every Minister to be present at the time when a particular question standing in his name is taken up.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My Hon'ble Colleague had to leave the Chamber for unavoidable reasons, but before he left he had requested me to answer his questions, if necessary.

Mr. SPEAKER: I am quite prepared to admit that there may be unavoidable circumstances compelling a Minister to be absent but it would be fair to the House and to the Speaker if he would inform me about his absence so that I might not put the question standing in his name.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But I am prepared, Sir, to answer the supplementary questions.

Dr. NALINAKSHA SANYAL: Is there any principle for selecting apprentices?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is.

Dr. NALINAKSHA SANYAL: Has that principle of selection anything to do with relationship with Government servants?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The principle is clearly laid down in the reply itself.

Dr. NALINAKSHA SANYAL: Is there any quota fixed for taking apprentices?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Dr. NALINAKSHA SANYAL: Has any apprenticeship examination been held as stated in answer (*b*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I understand it is held.

Dr. NALINAKSHA SANYAL: Has each of the 31 candidates been selected as a result of the test examination?

The Hon'ble Mr. A. K. FAZLUL HUQ: The hon'ble member seems to know more about these things than the Ministers. In that case what is good of putting further questions?

Mr. SPEAKER: I do not suppose you can expect the Hon'ble Minister to be able to say as to whether the 31 candidates were appointed on the result of the examination.

Dr. NALINAKSHA SANYAL: Is it not a fact that the Anglo-Indians and Christians predominated so far as the successful candidates are concerned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe not.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister prepared to say that the following are not Anglo-Indian names:—

(The member read out certain names.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is apparent from the list that it is so.

Application for leave of absence.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, I beg leave to move that this House do permit Dr. Suresh Chandra Banerji, representing the Calcutta Suburbs Registered Factories Constituency, to be absent for the period from 29th July, 1937, till the end of the present session for which he finds that he is unable to attend meetings of the Assembly on the ground that he is confined in Jail.

The motion was put and agreed to.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. SPEAKER: Before I take up the Bengal Tenancy (Amendment) Bill, I would like again to draw the attention of the leaders of the different groups as to whether it would not be convenient if they give me an idea beforehand as to what amendments are not going to be pressed by the respective parties. I find that out of first batch of 536 amendments, 20 are for select committees. Out of the remaining 516 as many as 178 has been given notice of by members of the Coalition Group; 94 by the Congress Party; 98 by the Nationalist Party; 16 by Scheduled Castes; 30 by Europeans and 13 by unattached members. I do not want to restrict the right of any member to move his motion, but I think it would be convenient if the leaders of the different groups can arrange for themselves as to which of the amendments they are going to take up. There is also another matter. I should like to know from the Leader of the House and also the leader of the opposition as to how long they would like to continue this session. I was trying to find out this morning as to the relevancy of these amendments and I found that quite a lot of them are beyond the scope of the Bill and that after four hours' work I could only dispose of 100 amendments. So far as the Bill is concerned, the first three clauses are not very important but on clause 4 there are about 300 amendments. Each of these has to be examined in the light of its effect on the main sections of the Bill. What I suggest is to have a

list of amendments which the different groups want to press for decision and of amendments they would be prepared to withdraw. That would not only simplify the task of examining them, but would also expedite our work.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I have got a list of amendments made out, and I am prepared to hand it over to you.

(The Hon'ble Mr. A. K. Fazlul Huq then handed over the list to the Hon'ble Speaker.)

Mr. SPEAKER: Is this on behalf of the Coalition Party?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir, up to clause 4 only.

Mr. SPEAKER: That is not my point. I want to know how many of these amendments you are going to press and how many to withdraw.

The Hon'ble Mr. A. K. FAZLUL HUQ: Oh, I see. Some of them will be withdrawn in any case.

Mr. SPEAKER: You have got from your group about 178 amendments up to clause 4. How many of them are you going to move, may I know?

The Hon'ble Mr. A. K. FAZLUL HUQ: We have not been able to come to any decision on this matter.

Mr. SPEAKER: My difficulty is that up to clause 4 there are 352 amendments and the last portion of amendment No. 352 is out of order. Do I understand that you are withdrawing amendments Nos. 36, 38, 40, 47, 99, 118, 152, 153, and so on?

Maulvi TAMIZUDDIN KHAN: May I make a submission, Sir? I have seen that list which has been handed over to you by the Hon'ble the Chief Minister. Most of these amendments will not be moved, but, I think, Mr. Speaker, you will no doubt consider the right of an individual member, who may like to move some of his amendments.

Mr. SPEAKER: In answer to you all I can say is that in respect of this Bill I shall be very reluctant to exercise my right of permitting any short-notice amendment in view of the fact that we have already had a very heavy list of amendments. If, however, a member wants to move a particular amendment, I cannot certainly rule him out. But

I want to know beforehand, whether on party lines, your party or other parties will move all the amendments of which they have given notice.

Maulvi TAMIZUDDIN KHAN: Generally that will be very difficult to say, for an individual member may like to move an amendment even though his party is against it.

Mr. SPEAKER: It is very difficult situation. I do not know, how individual members of a party will or may go out of his party decision.

Maulvi TAMIZUDDIN KHAN: That is only a question, Sir, which has relation to an individual member and his party.

Mr. SPEAKER: Maulvi Tamizuddin Khan must remember that the Parliamentary system can go on functioning only on a party basis.

Kumar SHIB SHEKHARESWAR ROY: What about unattached members, Sir?

Mr. SPEAKER: So far as I can see, you have got amendments Nos. 69, 70, 484 and other standing in your name. How many of them are you going to move?

Kumar SHIB SHEKHARESWAR ROY: That depends, Sir, on how the debate proceeds in this House.

Mr. SPEAKER: Then, you cannot say anything definite at this stage?

Kumar SHIB SHEKHARESWAR ROY: I am afraid, not.

Mr. SPEAKER: May I know from the Leader of the Congress Group what is their position with regard to their amendments?

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is it your ruling, in view of what you have said just now, that a private member belonging to a party will not have the right to move any individual amendment even if his party had given the assurance that it would not be moved?

Mr. SPEAKER: At the outset I have said, Dr. Sanyal, that while I am inquiring for my own information as to which amendments of a party will be moved, I cannot rule out any member who does wish to move an amendment, belonging to the party or not belonging to it.

Dr. KALINAKSHA SANYAL: May I suggest, Sir that in order to expedite business we might have whole-night sittings of this House as the Parliament does in England?

Mr. SPEAKER: You forget the difference of temperature that exists between England and India!

Mr. ABDUR RAHMAN SIDDIQI: May I suggest that you, Sir, and the various leaders of the parties retire into a separate room for 15 minutes after adjourning the House for coming to a solution over this matter of the amendments?

Mr. SPEAKER: That would, indeed, be very convenient for coming to a solution. I would like, however, to know if Mr. Bose has come to any decision in this matter.

Mr. SARAT CHANDRA BOSE: It will not be possible for me immediately to give you the numbers of amendments, of which notice has been given by members of my party, which will not be moved; but I can give you an idea, and that is that not more than 50 per cent. of the amendments will be pressed.

Mr. SPEAKER: Solely I would like to have the views of the Leader of the House in this matter. Clause 4 has got about 250 amendments, and each of these has to be examined in relation to its effect upon not only the Act itself but also upon the particular clauses you may be considering; and it is humanly impossible within the time we have got to deal with all the amendments, and I would like to know if Government would take the responsibility of deciding its effect upon a particular section or sections. I can say for the information of the Hon'ble the Chief Minister that, that after a very cursory examination of the amendments this morning—I sat for 4 hours examining them—I find that No. 36 is out of order, and Nos. 37 and 39 are not only out of order but are also in conflict with another section and No. 48 (omission of clause 3) is beyond the scope of the Bill. The drafting of certain amendments requires to be changed. One is consequential to No. 65. And I do not know as to which one is consequential and which one is not. Therefore, I want to have advice from the Leader of the House, because I do not wish to be held responsible for any incongruity or inconsistency in this legislation. I, on my part, am quite prepared to go on and work from day to day till the whole thing is finished. But I should like to know whether Government are prepared to take responsibility on their shoulders for any legal effect and consequences which may arise as a result of any amendment being moved and passed. As I have said, after devoting 4 or 5 hours this morning, I have been able to examine only a little over 100 amendments. And if I had not done so, perhaps I would have allowed amendments to be moved which subsequently might have been found to be out of order.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, so far as our decision is concerned, you will find that we have already decided that those motions to which you have made reference will be withdrawn. Now, cases may arise in which amendments may be moved which were not intended to be moved. When we have so many amendments before us, it is impossible to say off-hand what will be the effect of a particular amendment, but, of course, so far as responsibility is concerned, I do not wish to say that you, Sir, should share any responsibility with us, but, I am afraid, the different groups in this House must ultimately share responsibility with us, because it is a piece of legislation which would affect the country and the people at large and not merely the Government.

Mr. SPEAKER: So, I take it that I shall have to allow all the amendments that are moved to be discussed, without any responsibility on my part as to their legal effect.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as we are concerned, we have given sufficient indication as to how many of these amendments will be withdrawn as soon as they are reached, and we shall further weed out as many as we can to-morrow.

Mr. SPEAKER: It would lighten my task very much if I could get a list of amendments from the different parties which they want to press. Then I can go on with these amendments as the debate proceeds and find out whether any of them is out of order or not relevant.

Mr. SYED JALALUDDIN HASHEMY: In view of your suggestion, Sir, may I submit that if you, Mr. Speaker, declare Saturday a holiday, the leaders of the different groups can put their heads together—they will get two days, viz., Saturday and Sunday—and discuss the matter and decide as to which amendments to move and which to withdraw and submit a list to you, Sir, on Monday, so that we can begin our discussions here on Monday next and finish the Bill in two or three days. (Surprised cries of "Two or three days"!)

Maulvi ABDUL BARI: That is not possible, because the various parties have got to meet and discuss this matter first amongst themselves. Then their leaders will be given a mandate, who can then meet together and discuss the whole thing amongst themselves. This will take more time than 2 days.

Rai HARENDRA NATH CHOUDHURY: May I submit one thing, Sir? The examination of a large number of amendments will require time—whether the examination is made by the Leader of the House or by the Leader of the Opposition or by the Hon'ble Speaker,

it will require time. Where is the time when Government intends to rush the Bill through? How is it possible to examine the amendments in such circumstances?

Mr. SANTOSH KUMAR BASU: With regard to the Hon'ble the Chief Minister's statement that Government alone will not be responsible but that the whole House will have to share the responsibility, may I point out that Government at first proposed that the Bill should be referred to a Select Committee and later on decided that the Bill should be considered and passed clause by clause? Therefore, the responsibility is theirs alone, and cannot really be shifted on to the shoulders of other groups in this House.

Mr. SPEAKER: Then there is another matter which I should like to have cleared up. Under clause 4 there are about 250 amendments. They could not even be sorted out. I have even noticed amendments in which deletion of particular words is sought, as for instance in amendments Nos. 125 and 246. You will realise that unless all the amendments to a particular clause are gone through, it would be very difficult to find out as to which of the amendments should be allowed and which should not be allowed. Thereafter, I am afraid I shall not be able to put the amendments to the House until I adjourn the House as soon as all the amendments are finished on a particular clause and get some time to find out the relevancy of these amendments to that particular clause and to decide the order in which they should be placed. What I propose to do, if it is possible, is to so arrange that if debate on a particular clause is finished at 7 or 7-30 in the evening on a particular day, then I shall put it the first thing the next day after having gone through its implications over-night. I do not want to take up the time of the Council in deciding these points immediately on the floor of this House. In case I find that a debate on a particular clause closes at 4-30 or 5-30 in the afternoon, I propose to exercise my right not to put the clauses disposed of. What I shall do is to put them on the next day as the first thing. I think that will be very convenient.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, in view of the remarks that have been made by Rai Harendra Nath Choudhury and Mr. Santosh Kumar Basu, I wish to make a statement. It was the intention of Government to try and have a smooth passage of this Bill. With this object in view, Government did all that was humanly possible to ascertain the views of the different sections regarding the amendments they were going to put forward. (CRIES OF: Question, question.) Mr. TULSI CHANDRA GOSWAMI: What steps did you take.) (Dr. NALINAKSHA SANYAL: Question.) You question everything; you keep quiet, please.

Mr. NIHARENDU DUTTA MAZUMDAR: Is it permissible for ny member to browbeat——

Mr. SPEAKER: Order, order.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, Government con-idered the position very carefully, and at one time they thought that he best way to deal with the situation would be to send the Bill to a elect Committee. As soon, however, as that decision of Government ecame known, some persons bent on mischief went on creating trouble nd agitation in the country to the effect that Government were going o shelve the consideration of the Bill. Government were prepared to ace that situation also. But it became evident that the agitation was rowing in intensity from day to day, and they thought that the best ray to deal with the situation would be to leave the matter to the ndividual discretion of the members. There are various proposals efore the House. If the House decides that the Bill should go to a elect Committee, it is entirely its business. And if the House decides hat the Bill should be considered on the floor of the House, clause by lause, that, too, will be its own business. But, so far as Government re concerned, they have decided not to support the motion for refer-ing the Bill to a Select Committee but they propose to go on with he Bill here and now—no matter how long the discussions may take lace and no matter whatever the inconvenience that may be caused o particular parties or individuals. Our position is clear. We will o on from day to day and we think that is the best possible solution f a very difficult problem. No doubt there will be difficulties in our ray, but the best way to solve those difficulties is by not taking a oliday but by putting in an extra amount of work every day and by ach one of us to find out what amendments are essential and what mendments are unessential. If we do that I feel that although we nay not be able to make much progress on Saturday, by Monday we vill come prepared with a list which will show that the formidable umber 1,756 has dwindled down to one-third. I think if we go on a lay or two further in the discussion of this Bill the difficulties will isappear, and I do not think it will be impossible to deal with the Bill if we agree to sit a few days more than we have agreed to do under he present programme. My suggestion through you to this House is hat instead of putting forward suggestions and counter-suggestions, et us go on with the consideration of the amendments. Our progress n the first one or two days may be slow. But then we have a Sunday nd on that Sunday the leaders of the various groups and others nterested in seeing the smooth passage of the Bill will have time to it down and discuss the matter together. One thing—if we agree to o-operate in a friendly spirit to see that the Bill gets through, there vill be no difficulty. I hope and trust that difficulties will not be hrown in the way of the smooth passage of the Bill. I am not casting

any reflection on any one. But there may be some who are ill-advised and I appeal to each and every one of us who may be in that frame of mind to co-operate with all other sections of the House in order to see that the difficulties may disappear and the Bill may be passed by the Legislature in this session. That is what Government expect and Government hope for and the present decision of Government is not to shirk the Bill but to pass it into law as quickly as possible.

Mr. SARAT CHANDRA BOSE: The first portion of the statement of the Hon'ble Chief Minister was most astounding. He said that Government had taken steps to find out what amendments were going to be moved. It is certainly news to this side of the House that Government ever took such step. This House is well aware that advance copies of the Bill were circulated by the Hon'ble Revenue Minister among a certain section of this House and in answer to a question put by me he confessed that he had not even sent a single copy to any single member of the Congress party.

Then, Sir, the next point that the Hon'ble Chief Minister made was even more astounding. He said that the Government's original intention was to move for the appointment of a Select Committee but that they had to surrender to mischievous propaganda outside. I do not know——

The Hon'ble Mr. A. K. FAZLUL HUQ: I have never said that.

Mr. SARAT CHANDRA BOSE: I have kept a note of what he said. He said that mischievous persons had started a propaganda outside that the Bill was going to be shelved. So I submit that the comment I made on the statement of the Chief Minister was a proper comment. He said that because of the mischievous propaganda by mischievous persons Government decided to give up the idea of moving for the appointment of a Select Committee. I do not think any commentary is needed on that. It is sufficient to repeat again what the Chief Minister said. It is the first time that I come to know in my experience as a member of the legislature that a responsible Government surrenders to mischievous propaganda.

The Hon'ble Mr. A. K. FAZLUL HUQ: On a personal explanation, Sir. I have never meant that there was any surrendering. But there was thwarting of the mischief.

Mr. SPEAKER: I hope this will not be an occasion for debate and counter-debate. I hope Mr. Bose you will be short.

Mr. SARAT CHANDRA BOSE: So far as his third point is concerned, the Government have decided to leave it to the "individual discretion" of the members by which I suppose he meant "individual

udgment." So far as the Congress party is concerned, they are repared to exercise their individual and collective judgment to the est of their ability. We do realise, as the Chief Minister has said, he difficulty and magnitude of our task and we also realise—and I ay this on behalf of my party—with a certain amount of disappointent that we do not find in the Bill any provision for safeguarding he interests of the actual tillers of the soil. That makes our position ll the more difficult. On an earlier occasion, Mr. Speaker you will emember, I had the opportunity of enunciating the policy of my party o far as the peasantry of Bengal was concerned.

As regards the amount of work that is required, we are prepared o co-operate with the other groups of the House. We are prepared o put in as much time and labour as we are called upon to do, and re are not going to shirk it. We are prepared to consider every single provision of the Bill and to bring to bear on each our individual and collective judgment from the point of view of the actual tiller of the oil. We shall not be parties to delaying the consideration and passng of the measure by a single minute.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: With the sanction of His Excellency the Governor, I beg to introduce a Bill further o amend the Bengal Tenancy Act, 1885.

Mr. SPEAKER: I might at this stage announce that under Rules nd Standing Orders His Excellency the Governor has communicated is sanction to the Bill being taken into consideration and I am also to announce that His Excellency in view of the provision of paragraph 17 f the Governor's Instrument of Instructions gives his sanction to all he amendments which I find in order.

Dr. NALINAKSHA SANYAL: Sir, may I know why it was found necessary to seek His Excellency's sanction in this matter.

Mr. SPEAKER: Section 299 enjoins that.

Dr. NALINAKSHA SANYAL: Sir, I respectfully submit that does not apply.

Mr. SPEAKER: It does. You will find that no Bill or amendment for the extinction or modification of rights in land shall be taken up without his previous sanction.

Dr. NALINAKSHA SANYAL: Nothing of the kind I submit.

Mr. SPEAKER: I do not agree. Land means every kind of right in the land. There are any number of sections in this Bill which

require the previous sanction of the Governor, and His Excellency has given his sanction.

The Secretary then read the short-title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to leave that the Bill be taken into consideration.

The general election under the new Constitution was fought on the issue of introducing measures for the amelioration of the masses. The Congress, the Muslims, the non-Congress Hindus and the Schedule castes all sought the suffrage of the electorate on the pledge of undertaking legislations for improving the economic condition of the agriculturists. Those who were returned from special constituencies also had the same object in view. They too stood for a reasonable and equitable adjustment bewteen the class and the mass interests that being the surest guarantee against class welfare and the best method of avoiding the conflict between the two. Thus in the midst of all diversity of political views of the different political parties seeking election to the legislature, there was a fundamental unity. This might render the task of achieving the improvement in the condition of Bengal peasantry somewhat easy, though entailing great sacrifice on the part of the landlords.

The condition of the Bengal agriculturists bad as it was has been rendered worse by the world depression. He has no credit and the value of agricultural produce having gone down, he finds himself in difficulty even in meeting his ordinary obligations, besides maintaining himself and his family. It may not be out of place here to point out that his indebtedness is due largely to reasons other than rent which is only a small fraction of his debt. The incident of rent in Bengal is not more than Rs. 3 in average per acre, whereas the tenants' net income from the same area of land may be safely taken at something between Rs. 30 to Rs. 35. Fortunately, however, there seems to be a turning of the tide since last year and things are looking brighter. The colossal debt of the agriculturist has, however, created a situation which has got to be remedied. No Government can afford to ignore the situation or can hope to improve the condition of the country without increasing the credit and the purchasing power of the peasantry. While a contented and prosperous raiyat in an agricultural province like Bengal is its pride, a discontented and despondent peasantry is its constant source of worry and difficulty. Discontentment is the surest incubator of revolution. Along with other ameliorative measures this Bill is expected to do away with the tension of feeling between the landlord and the tenant. The economic depression, inculcation of the new theory that the tillers and not the zemindars are the proprietors of land and dessimination of communistic ideas amongst the agriculturists have contributed to the creation of this tension.

The abolition of the permanent settlement is being seriously suggested by those who are in the happy position of onlookers though not necessarily seeing always the best of the game. They feel a righteous indignation against the landlord and is out on a crusade against him.

Mr. SARAT CHANDRA BOSE: May I humbly request the Hon'ble Revenue Minister for my edification to explain what he means by "communistic ideas"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope the Hon'ble Leader of the Opposition will have patience.

The Hon'ble Mr. H. S. SUHRAWARDY: He ought to understand the meaning of "communistic ideas".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are suggestions for nationalisation of land as the panacea of all evils. The opinion against the permanent settlement had its genesis in the views expressed from time to time since the middle of the last century by a set of British officials who did not hesitate to describe it as the folly of Lord Cornwallis. Human memory anxious to drop the details of this complicated process of evolution retains only its result and not how it was achieved. Thus at this distance of time the origin of the system appears to be lost sight of and is somewhat shrouded in mystery. The authors of this movement managed to forget the facts that induced the Board of Directors of the East India Company to agree to the proposals of Lord Cornwallis and how the permanent settlement helped the expansion of the British power in India by enabling Government of the day to carry on the war against the Marhatta and Tipu Sultan. This movement against the zemindary system gained a further momentum by the financial difficulties of Bengal under the Meston Settlement. Serious attempts were made to establish the fact that Bengal's financial embarrassment was due to the inelisticity of her land revenue. The question was examined in detail for the consideration of the Simon Commission and according to our revenue experts the net gain of Government, if the permanent settlement was abolished, could not be computed higher than Rs. 80 lakhs. Abolition of the permanent settlement is being advocated more earnestly than ever since the introduction of the Provincial Autonomy. But majority of the supporters of the proposal probably require permanent settlement with the jotedars and occupancy raiyats instead of permanent settlement with the zemindars. This I venture to think will neither augment the revenues of Government substantially nor the economic condition of the peasantry. The solution of the problem requires a bold and drastic change in the land tenure system of the Province and not substitution of one class of rent receivers by another. The curse of the permanent

settlement is not the fixity of revenue which has undoubtedly made the burden on the tiller much lighter than in the provinces where the settlement is temporary, but the creation of subinfeudation and the long chain of rent receivers intercepting varying amounts of profit.

Those who talk of the abolition of the permanent settlement do not seem to realise the magnitude of the problem or to recognise the ramifications of the system. The total number of zemindars and tenure-holders including their dependants are over five millions. It is, therefore, too large an interest to be expropriated even if it is considered necessary. When we talk of the uplift of the masses, we are often apt to forget that the majority of this five millions form a substantial portion of the very masses whose interest we are all anxious to safeguard or whose uplift we are determined to bring about. Hasty legislation may frustrate our very object and lead the country to greater difficulties than ever. The question being as big as the nation's life requires and deserves careful and serious consideration and scrutiny by an independent Commission of Enquiry, before the line of action can be settled by this Government or any Government. Our idea is to suggest a permanent remedy, a remedy that would settle the question for a long time to come and would be conducive to agricultural prosperity and improvement of the economic condition of the peasantry without at the same time throwing out of employment one-tenth of the nation by expropriation of their valuable interests. Elemination of middlemen, which to my mind is essential in order to bring about real economic uplift of the peasantry, should be secured by State purchase of the superior interests in land.

My Muslim colleagues in Government gave pledges to their constituencies to improve the lot of the raiyats. My Hindu colleagues and I too have our obligations to our respective constituencies. We believe in a fair adjustment between the claims of the landlords and tenants—adjustment which is essential in the interest of good feeling between the two classes. This good feeling can never be fostered unless both parties realise its necessity and assume an attitude of tolerance and mutual accommodation. Unreasonableness is bound to provoke ill-feeling which is inimical to the larger interest of both the communities.

The object of this Bill is to amend some of the existing provisions of the Bengal Tenancy Act which have been found to operate rather harshly on the cultivators for the purpose of giving immediate relief to him. The Bill does not attempt to bring about a radical reform in the existing system of land tenure by comprehensive amendment of the Act. The solution of the bigger issues must be postponed till the proposed Commission of Enquiry submits its report. Among the important provisions of the Bill are to be found those for the abolition of landlord's transfer fee and the right of pre-emption. Abolition of the transfer fee will increase the credit of the raiyat by 20 per cent. because the fee is now levied at that rate on the purchase money.

Personally I would have preferred a compromise on the basis of reduction in the rate of landlord's transfer fee instead of its total abolition, as a golden mean, giving financial relief to the raiyat. But as far as it could be informally ascertained, this proposal did not find favour with the majority of the tenants representatives. The proposal entails a large sacrifice on the part of the landlords, because they will be deprived annually of something between 30 to 35 lakhs even in the present market. It is difficult to deny that these proposals cannot be interpreted as involving the principle of expropriation of the landlord's right and as such are against my personal views. These proposals, however, have been included in the Bill by Government in the hope that in view of the insistent demand by the tenants representatives for the abolition of the transfer fee and preemption, the landlords may find it expedient to agree to them in the interest of better feeling between themselves and the raiyats.

In course of the discussion on the Land Revenue Demand, views were expressed against the use of certificate procedure by Government by the Court of Wards and private landlords for realisation of rent. Government, therefore, out of deference to the wishes of the House propose to repeal Chapter XIIIA depriving the private landlords of the privilege of realising rent under the summary procedure. No friend of the tenant should, however, encourage him to get into arrears. Much of his trouble is due to his indebtedness. If we want the zamindary system to continue adequate facilities must be given to landlords for realisation of rent and must not accept the principle of rent being payable when able. On this consideration, Government have suggested sight modification of section 148(*K*) of the Act of offer facilities to landlords for realising rent expeditiously through the Civil Court. The Bill further proposes to confer occupancy right on all under-raiyats and to give facilities to all occupancy raiyat and under-raiyats to regain possession of holdings under certain conditions placed under usufractuary mortgage. There are also provision for reduction of the rate of interest on arrears from 12½ per cent. to 6¼ per cent. for better facilities for subdivision of tenures and holdings under section 88, for suspension of the operation of all sections, for enhancement of rent and for imposing summary penalties for exaction of abwabs. Thus the Bill provides practically for the removal of all the urgent grievances of the tenants and takes away all the privileges that were conferred on the landlords by the amending Act of 1928 by way of *quid-pro-quo* for the concessions made by them to the tenants on that occasion.

In conclusion, I venture to request the House to use its powers with moderation in dealing with a Bill that agects the rights of a minority community. I hope its attitude will not be one of hostility but of sympathy. It would be a bad day for Bengal if intoxication of power gets better of our judgment in dealing with a question involving the

interest of a class that has rendered valuable services to the State and the country from time immemorial. The future of Bengal is in making and the House is faced with a serious and difficult responsibility of bringing about adjustment of interests by a fair and equitable method. We must not do anything which the future historian will find difficult to justify and which will not be vindicated in the bar of public opinion after the din bustle of the present controversy subsides. Bengal's capacity to govern herself will be tested by the attitude this House adopts towards this measure and the protection it gives to the minority interest.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, when I asked for edification on one point the Hon'ble Revenue Minister desired me to wait and he said that he would explain what is meant by preaching of communistic principles.

Mr. SPEAKER: We can leave communism for the time being.

Mr. SARAT CHANDRA BOSE: In his opening speech the Hon'ble Minister used that expression and I would like him to explain for my edification.

Mr. SPEAKER: I cannot help it Mr. Bose. When you asked the question it was quite open to him to answer. When he has not done that, you can draw your own conclusion.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, the Hon'ble Minister simply wanted to raise that bogey.

Mr. SPEAKER: Mr. Mazumdar, that is absolutely not the point for the time being. I am now dealing with the question of amendments.

I understand that amendment No. 1 by Rai Bahadur Moongtu Lall Tapuriah will not be moved.

(Amendment No. 1 was not moved.)

(A Member from the Congress benches rose to oppose the Bill.)

Mr. SPEAKER: I am sorry as regards the question of opposing a Bill at the introduction stage, you are too late. Under the rule as it stands it is the right of a member to introduce a Bill. It is a matter of pure form, because introduction is dispensed with under section 49 by its publication in the local gazette. I am afraid I cannot help you.

Sir GEORGE CAMPBELL: Mr. Speaker, Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1937.

My first objection to taking the Bill into consideration on the floor of the House is the speed with which this measure has been thrust upon us. I have considerable sympathy with what the leader of the opposition has said and I do not think that a Bill of this length and of this importance, and particularly when it is now complicated by almost innumerable amendments, can be satisfactorily dealt with at such short notice. There is a danger in this haste of producing piecemeal legislation, which is never satisfactory. It is going to be more satisfactory for all parties if we make this haste more slowly and give all members of this House a much longer time to consider the Bill even if we have to wait for another session. The permanent settlement has been in force for something like 150 years. There was a compromise on the question of rights in 1928 and I cannot see in view of its magnitude the necessity for this hasty legislation. We all agree there is tremendous scope for improvement in this vexed land question in Bengal. No one will question that; but I say again you will get that improvement by more careful consideration than I fear it would be possible for us to give to this Bill and its many amendments and I suggest that the motion I put before you will give us this opportunity.

There is another point which I venture to think is still more important and that is that this Bill modifies rights in connection with land. Further, from the Instrument of Instructions which is a public document, having been published in the Gazette, it is perfectly plain to everyone that the nature of the Bill is such that it must go to His Excellency the Viceroy. Now, if this Bill is going, as I say it must go, in whatever form it emerges, to His Excellency the Viceroy, there are two essential features that it must exhibit. One is that there must accompany the Bill a substantial case that it is a genuinely beneficial measure commanding general support.

The second condition is that the Bill will not be acceptable if private rights of any minority are expropriated without compensation. Now, Sir, I submit that in taking this Bill into consideration on the floor of this House we will find it impossible to achieve these two essential conditions. In the first place, with all deference to what the Honourable Minister said in moving about the election pledges—I do not know whether these pledges are sufficiently clear to all of us—I do not think that this House can say unanimously that the Bill has general public support; and again on the second point, unless the Bill emerges from the consideration stage entirely new, it is bound to contain this interference with the rights of minorities and that being so, if that view is taken (I may, of course, be entirely wrong), I submit that anyone who thinks the matter out will come to this conclusion; is it right that members of this House, and there are many busy members here, should

waste their time in considering a Bill which cannot be brought into effect and which may damage itself by being sent up to the Viceroy in a crude form? If it is our desire, and I understand from the landlords' representatives it is the desire of every one of them, to improve the conditions of the tenants, let us go about it in the soundest possible way and achieve something which can be made good law and help in attaining this object.

I will not comment much on the various provisions of the Bill and the effect they have on the different parties concerned, because these matters have no direct connection with my motion. If my motion is unfortunately lost, they will be discussed, perhaps *ad nauseam*, when this Bill come to be considered on the floor of the House; but I would say that if this Bill claims to benefit the cultivators, which is the desire of all of us, I would ask people to think very carefully and see if it really does benefit the cultivators. I say there are certain dangers in weakening the power of the landlords and breaking such connection as there is between them and the tenants and the under-tenants. They may not have done in the past all that is expected of them but I would say that if this Bill is circulated for opinion, those landlords will appreciate what public opinion is about their deeds and misdeeds in the past It may be possible to get them to realise more that while property definitely carries rights with it, still more does it carry duties.

Then, Sir, it seems to me that the general tendency of this legislation, apart from whether or not it benefits the tiller of the soil, is to deal a definite blow at the landlords who are on the verge of expropriation. It affects the rights of property. I say, Sir, that it is the duty of the Government and it is the duty of every member of this House to protect the rights of property irrespective of class. Can you argue that because the landlord has not given to the under-raiyat all that some members think the raiyat is entitled to, he should be deprived of anything that he has? If so, what is the logical conclusion? Why should we stop here and why not deprive everyone of their right to property? (Mr. NIHARENDU DUTTA MAZUMDAR: In due course). Mr. Dutta Mazumdar says that it will be done in due course. Nobody has any right to take away all the rights and eventually deprive a man of what is his own. You cannot deprive a man of his property. No. No. However good it may be in the beginning, no State system with its rules and rigidity and its inevitable tendency towards interference with private enterprise, and with the fruits which everyone of us is entitled to gather from his private efforts: no State system which interferes in such a way, can ever in the end be so good for the individuals of any country. The State begins by depriving all of the rights of property and in the end individuals cannot call their souls their own. Surely, Sir, it is a reasonable outlook that people who work hard are entitled to get more out of the world.

May I, Sir, say one word on behalf of the landlords? They have for the past 10 years been worse hit by the slump in prices than many of of their tenants. I understand that tenants have not in many cases paid the landlords but the landlords have always had to pay their rents to Government. The slump in prices for one reason has not hit the tenants very hard because they are to a very large extent self-supporting and they are concerned more with the fullness of the crops on the land they cultivate than with the prices they get in the market. They use the surplus for luxuries such as, perhaps, paying their rent.

Sir, we have heard that as a result of the compromise in 1928 the tenant was given the right of transfer and the landlord was given the right of *salami* on these transfers, and the right of pre-emption. Pre-emption and *salami* on transfers hang together. What is pre-emption actually for? If a man is selling his property, pre-emption works in this way. If the seller wishes to pay a lower *salami* than the landlord is entitled to under the Act, he puts a wrong figure in the deed of sale. If he is selling the property for Rs. 500, he puts Rs. 200 in the deed so that the *salami* to the landlord amounts to only Rs. 40, although actually he is entitled to Rs. 100. If the landlord comes to know of it, he exercises his right of pre-emption and can purchase the property by adding 10 per cent. to the value mentioned in the deed of sale. In actual practice this has hardly ever happened. What has happened is that as the landlord knows what the price is, and so long as a *salami* is paid on that price, he does not exercise his right of pre-emption; but the right exists and as long as one holds that there should be some *salami* on transfer the landlord must have his right of pre-emption.

Mr. Speaker, Sir, I submit that this Bill, as I have said at the beginning, requires much more consideration than we shall be able to give it on the floor of this House. I may point out again, and I think I am right, that it must go to His Excellency the Viceroy, and I am convinced that the Hon'ble Minister in charge of the Bill also knows that. May I ask therefore, is it straightforward for Government to bring in a Bill that they know cannot be brought into effect because it is interfering with the rights of a minority; and is it straightforward for Government to bring in a Bill when they know full well that there is no policy behind it; because a policy is no policy if it cannot be given effect to?

Therefore, I appeal to all members of this House to approach the matter from the point of view of a practical proposition, of fairness not only to the landlords but also to the tenants; and out of consideration for our own reputation as a House; and with that end in view we should ask that this Bill be circulated for eliciting public opinion, so that we may have a better knowledge than we have to-day as to what that public opinion is throughout the country, and may also have a

better opportunity of considering the Bill and making it a practical Bill when eventually it comes before us. Sir, I move.

The House was then adjourned for 15 minutes.

After Adjournment.

Kumar SHIB SHEKHARESWAR ROY: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 10th November, 1937. Sir, I am grateful to Sir George Campbell for his very able and lucid exposition of the futility and unwisdom of the Government measure. It has saved a lot of time and labour and I propose to deal with the other aspects of the question. Sir, permit me at the outset to record my emphatic protest against the manner in which the Government seems to be determined to deal with the Bill. It has done away with two important but normal stages of the Bill, viz., elucidation of public opinion and reference to a Select Committee of the House. This is something unique and novel in the history of Bengal Legislature, for, Sir, in my experience as a member of Bengal Legislature for over 20 years I have never seen the Government proceeding in a manner in which the present Government is doing now. I admit that the times are changed now and we are having a taste of home rule. I am, however, used to a system of administration which always endeavoured to create public confidence, gave a patient hearing to the opposite view, tried its utmost to convince the aggrieved and whatever it finally decided to do, did it with a certain amount of decency and decorum. It, therefore, comes to me as a rude shock to find a political party charged with the administration of a country acting like an irresponsible individual. Sir, this Bill was published in an extraordinary issue of the *Calcutta Gazette* on the 27th August; on the 28th August the Government announced its intention of referring the Bill to a Select Committee, when all on a sudden, on the 2nd September it changed its mind and decided to proceed with its consideration from the 10th and the members of the Assembly were given only five days' time to send in amendments. Sir, this Bill proposes to change the character of an important piece of legislation of an extremely complicated nature. The proposals very materially affect the rights of two main classes of people in Bengal. The Bill consists of 37 principal clauses and deals with 91 sections of the main Act and I understand that even a short notice of five days have brought in about 1,750 amendments. Sir, I put it to the House in all seriousness whether it is humanly possible for the House to deal with the subject on so short a notice. It means nothing but treating the House in a light-hearted manner and reducing its debate to the level of a farce. Sir, let me compare this procedure with that followed by the previous Government in connection with the

last amendment of the Tenancy Act. At first it appointed a very efficient Committee of experts to examine the position and submit its recommendations. The Committee sat for about two years and submitted a report which was published for public information and was carefully considered by the Government and a Bill was drafted. Then the Bill was circulated for opinion. After this it was referred to a Select Committee and then brought before the House for the consideration of its clauses. (A VOICE: They perpetrated an inhuman cruelty on the tenants thereby). The Committee was appointed in 1922 and the Bill finally passed out of the House in 1928. The complex character of the subject and the seriousness of the problem surely justified this procedure. Sir, the then Government was surely no less powerful than the present Huq Government nor was it less mindful of the condition of the raiyats. (INTERRUPTIONS.) Where had you been then and where would you have been but for the tenants?

But whereas caution and justice were the watch-word of the previous Government, rashness and self-sufficiency seem to be the basic principles of the present Government.

I have, however, Sir, placed my amendment before the House for circulation of the Bill and I appeal to the right-thinking section of the House to accept it and give us only two months' time so that in the light of opinions received, we may, in consultation with the leaders of the different groups, be able to present our case before the House in an acceptable form. Sir, as I have said before the Bengal Tenancy Act is a very complicated piece of legislation. An average landlord or raiyat has very little idea of its implications. Our relations, even to this day, are more or less governed by custom, usage and good will of the parties. For our day-to-day purposes all legislation on the tenancy system must be based on these three broad principles. Any revolutionary change in the law can never be helpful to our mutual cordial relationship. Complexity of law only helps those who are mean and unscrupulous among us. And, however, helpful it might be to the raiyats on paper in the end, it is they who will really suffer from a complicated law.

Sir, rightly or wrongly we feel that an act of grave injustice is going to be perpetrated on the landholders by the provisions of the Bill. We feel that no case has been made out for so drastic a change in the Act so soon after a thorough revision of the Act in 1928. The Bill is an extremely one-sided affair and nowhere has there been made an attempt to foster good feeling between landholders and raiyats, nor has there been shown any consideration for the real tillers of the soil. The lot of the under-raiyats has been left in the same distressful condition where it is now. A provision surely ought to have been made in the Bill to protect the settled raiyats of a village from being turned

into landless labourers and tenants-at-will under the unscrupulous purchasers and those who are not agriculturists. The only safeguard which the raiyat has against an under-valuation of his holding, I mean the existing provision of pre-emption, has been done away with to the detriment of raiyats. The abolition of this provision will throw the raiyats whom circumstances compel to part with their holdings, at the tender mercy of the purchaser especially if he is a tenureholder. Then, Sir, an important right of the landholder has been curtailed in the matter of realising his dues from the raiyat at the end of a kist whereas no relief has been secured for the landlord against the realisation of his revenue by the Government kist by kist under the strict provisions of the sun-set law. The rate of interest on arrears of rent has been reduced to a ridiculously low amount at which neither the landlord nor the raiyat would ever dream of obtaining an ordinary loan in the locality. The result would be the putting-off of the payment of rent till other debts of the raiyats bearing a much higher rate of interest, are paid off. Finally, Sir, the most, arbitrary and absolutely unjust provision of the Bill is one which wants to abolish the customary payment of *salami* on the transfer of a holding, a custom which received the sanction of law only in 1928. (INTERRUPTIONS): However, I propose to deal with these matters in greater details at the next stage of the Bill. I would now finish with the remark——

Mr. ABDUL BARI: Is the Speaker entitled to read his speech in the way he is doing?

Kumar SHIB SHEKHARESWAR ROY: Yes. So long as the House does not decide otherwise, I have every right to do so. (A VOICE: Is he making any point for circulation?)

Mr. SPEAKER: I think he is.

Kumar SHIB SHEKHARESWAR ROY: I would now finish with the remark that most of the provisions of the Bill though they ruthlessly and in a most unjustifiable manner curtail the rights of landholders, are not likely to benefit to any appreciable extent the real cultivator of the soil, rather they make it easier for the non-agriculturist land-grabbers from neighbouring towns and trading centres to oust the genuine tillers of the soil from the land and turn them into under-raiyats under them with absolutely no protection worth the name against the whims, caprices and avaricious, exactions of a body of profiteers who purchase their land and masquerade in the garb of raiyats. The beauty of the whole thing is that (thanks to the Coalition Party) the Bill mainly proposes to secure for these intruders an amount of advantage and protection which neither their station in life nor their mode of occupying the land, justify.

Sir, I once again appeal to the House not to condemn us unheard. A few days ago all sections of the House were very sore over the detention of people without trial on police reports alone. Sir, we are in a no better position to-day. Upon Coalition reports we are going to be condemned unheard now though we had been heard for the last ten years. We are in a hopeless minority in the House. Sir, we seek justice at your hands. We want to be heard. Let justice be done, let us follow the normal course of legislative procedure. Sir, I appeal to the leaders of the Coalition, the Congress and the Projas in the name of justice and mercy towards a minority community to cry a halt in their race for the Proja Bondhu Cup. (INTERRUPTION.)

Mr. SPEAKER: I would appeal to the majority party that restraint in a matter like this would be a very great virtue, especially in view of the point which has been raised. I once again appeal that the debate should proceed. Mr. Wahab Khan; you ought to know that it is not Parliamentary manners to disturb Mr. Speaker. I once again appeal and I hope and trust that my appeal will not go in vain: that the majority party should exercise restraint in at least listening to the minority quietly even though they may not be disposed to consider its views.

Kumar SHIB SHEKHARESWAR ROY: I appeal to the Leader of the Coalition, the Congress and the Projas in the name of justice and mercy towards a minority community to cry a halt in their race for the Proja Bandhu Cup and discharge their duty towards a minority community as impartial judges.

Mr. SPEAKER: May I enquire if Mr. Banerjee is going to move this amendment. Oh, I find he is not present.

I think that the business of eliciting public opinion should be finished first.

The Hon'ble Mr. A. K. FAZLUL HUQ: I would not have intervened in this debate but for a few remarks which my friend Kumar Shib Shekhareswar Roy has inadvertenly let fall in the course of the very earnest appeal which he has made to this House for a proper consideration of the rights of the landholders. My friend has referred to previous Governments. There is a difference between previous Governments and this Government. My friend seems to have forgotten that this Government is neither rash nor irresponsible because of the fact that this Government is the Government of the masses by representatives of the masses and representatives of the masses are in a majority in this House. It is an inevitable result of democracy——

Kumar Shib SHEKHARESWAR ROY: Of the Communal Award.

The Hon'ble Mr. A. K. FAZLUL HUQ: And the rule of the majority subject to such limitation as a due regard for the rights of others may impose. Government is responsible to the masses whom they represent here and it is not surprising that the masses are trying to assert themselves. It may be that in the first attempt to assert themselves there may be exhibitions of a desire to go sometimes even beyond limits. But then every question will be thoroughly discussed in this House and all views will be reflected and I do not think that although an attempt is being made to expedite the course of legislation, anything will be done which will give any cause of regret on the part of Kumar Saheb or of those who hold his views that Government are not anxious to take into consideration the views different from their own and which certainly deserve consideration.

Maharajakumar UDAY CHAND MAHTAB: I rise to support the motion moved by my honourable friend Sir George Campbell that the Bill be circulated for the purpose of eliciting public opinion thereon. The Bill which has been introduced by the Hon'ble the Revenue Minister is supposed to remove the defects in the existing Act and to help the actual cultivators of the soil. I have carefully gone through all the amendments of the Bill but I don't find that any part of the Bill deals with actual benefits to the raiyats or the cultivators. (Question.) The Hon'ble Leader of the Opposition said the same thing too in the course of his speech. If I may be permitted to say so, the Bill is absolutely one-sided. It aims mainly at expropriation and it is in the garb of a popular Bill but it is merely an election propaganda of a certain section of the House. (Question.) It is far from my intention to ridicule the ideas of any amendment. I admit that the land system of Bengal requires remodelling but the Bengal Tenacy Act is such a complicated thing that it cannot and should not be taken up in a hurry merely to enable some people to go back to their constituencies and say "here we have come back as conquering heroes by demolishing the minority communities."

The Bill in its present form seeks to get rid of the present zemindars and create a sort of new raiyats by bringing in people who have not the experience of those who have for centuries carried on the improvement of the condition of raiyats in a way befitting them.

The main principles of the Bill should be to strengthen the condition between landlords and tenants because without the improvement of the condition of the tenants I am afraid the landlords too cannot expect any benefit, but there are ways of doing this without tampering with the rights and privileges which have been enjoyed by the zamindars for so long. Improvements in the agricultural condition of the country and improvements in the condition of the tenantry have been totally omitted in the Bill. I am afraid the policy as laid down in

the Bill is extremely short-sighted. The Tenancy Act or the Amending Bill has totally forgotten that the primary purpose of a raiyat is cultivation and the true peasant is one who remains a peasant. The present amending Bill only aims at removing the privileges of landlords by taking away their certificate powers, their transfer fees and their right of pre-emption. Sir George Campbell has dwelt at length on all these points but I do wish to lay stress on one thing and that is this: that if the landlord is expected to pay in his revenue to Government on a fixed date according to the sunset law, he must have the rights and privileges so that he can collect revenue and pay it to Government on the due date. Certificate powers are enjoyed by very few zamindars and I am sure that none of the tenants of a zamindari can complain that any landlord has ever used the certificate power in such a way as is usually done in Government Khas Mahals.

The landlords' transfer fee is a right which has been enjoyed by them from time immemorial and it was modified by the amendment of 1928 as my friend Kumar Shib Shekhareswar Roy said just now. It was fixed at 20 per cent. of the value set forth in the instrument of transfer or five times the annual rent whichever was less.

The right of pre-emption is in the interest of the raiyat and in consideration of the extinguishment of the consent in the matter of transfer the transfer fee and the right of pre-emption which are statutory powers under the existing Act are rights in land as they are benefits arising therefrom. If the rights and privileges are taken away, then frankly it is an act of expropriation which is being brought forward in the name of adjustment of relation of landlords and tenants. The Government of India Act is committed to the maintenance of private property and if the Government of Bengal fail to give just and due protection to the property owning interest, they will undoubtedly be violating the spirit of the given constitution. Landlords represent creative forces in society, stable elements in the polity and great interests in the body economic of the country. They have naturally a claim for protection on the established Government of the country.

It is difficult to desist from strong language when one is confronted with a Bill of an expropriatory nature. But much has been said already and I do not wish to express my feeling any further as to what I think of the Bill or of the introducer of the Bill. I do not propose to-day to unravel old history but it is a well-known fact that it was for the help of the landlords that the British rule in India was established. To-day by another Act the rights and privileges of the landlords are being taken away by the so-called popular Government.

Mr. SPEAKER: You cannot say that.

Maharajkumar UDAY CHAND MAHTAB: I beg to withdraw that expression.

The Bill will have far-reaching effect and it is supposed to be introduced for the benefit of the cultivators. I would like to suggest that the Bill be circulated so that people can go into the matter and the actual cultivators who, it is supposed, will be benefited by it may also have an opportunity to see whether their leaders are playing false to them.

With these words I beg to support the motion moved by Sir George Campbell.

Mr. SPEAKER: I would like the debate on the Select Committee as also on the question of eliciting of public opinion finished to-night. The House will remember that we have got a very stupendous task ahead and I hope the House will allow me to deal with them together.

I will now ask Mr. P. Banerjee to move his amendments.

(Mr. P. Banerji did not move his amendments.)

Kumar SHIB SHEKHARESWAR ROY: I formally move——

Mr. SPEAKER: I think it will be convenient to the House and to everybody if these two amendments are discussed together. Generally they stand on the same principle except that one of them is for a reference to a Select Committee.

Kumar SHIB SHEKHARESWAR ROY: Sir, I formally move by way of amendment "that the Bill be referred to a Select Committee consisting of—shall I read out the names?

Mr. SPEAKER: Not necessary, but did you get their consent?

Kumar SHIB SHEKHARESWAR ROY: I have ascertained the views of some and they have agreed. I had no time to get the consent of others as you gave only five days time.

Mr. SPEAKER: You will see that there is a definite rule that no Select Committee motion can be moved unless the consent of the members concerned has been received. I may even waive my objection as a special case if by the time I put this motion to the House you give me their consent. But if I do not get by that time, I am afraid I will have to rule it out.

Kumar SHIB SHEKHARESWAR ROY: Sir, with your permission I might submit that it is absolutely within your discretion to allow a motion to go as it is. I quite remember when this rule was made

when I was President of the Bengal Legislative Council and at that time there were several occasions when we had to admit motions like this on the verbal assurance of the mover. When I assure you that I have taken the consent——

Mr. SPEAKER: But where is the consent?

Kumar SHIB SHEKHARESWAR ROY: I have only got this this morning and there are 34 names. The Secretary might take their consent.

Mr. SPEAKER: I do not think it is the function of the Secretary.

Kumar SHIB SHEKHARESWAR ROY: I am sorry then.

Mr. SPEAKER: I am quite prepared to extend the rule this much in your favour that I will wait till 7-45 when I put this motion before this House and if you care you can get their signatures by then. I will not go further even though you have quoted the precedent when you were President.

Kumar SHIB SHEKHARESWAR ROY: I am afraid that if the task is given to me to go round to all the members and get their signatures I will not be able to do so. I enter an emphatic protest.

Mr. SPEAKER: I am quite prepared as a special case to help you with an officer other than Secretary.

Kumar SHIB SHEKHARESWAR ROY: Sir, if you give me only two days' time, I think I will be able to get their signatures.

Mr. SPEAKER: I am afraid I cannot do that. I take it that you are not moving your amendment.

Kumar SHIB SHEKHARESWAR ROY: I am moving it. I have got the consent of one man—besides myself.

Mr. SPEAKER: I am prepared to accept it.

Mr. F. C. BRASHER: On a point of order, Sir. I submit with the utmost respect that the two motions are entirely different and it would be better if the House would discuss the two motions separately.

Mr. SPEAKER: If that is the opinion of the House, I am quite prepared to do this.

Rai HARENDRA NATH CHOUDHURY: On a point of order, Sir. The motion for circulation does not at all commit the House to the principle of the Bill. So far as the motion for reference to the Select Committee is concerned, it is altogether a different matter. So, the discussions should proceed differently.

Mr. SPEAKER: I find that the point which has been raised before me by Rai Harendra Nath Choudhury is very pertinent, namely, one raises the question of principle and the other does not. In view of this definite demarcation between the two, I think it is proper that the question of circulation for eliciting public opinion should be taken up first.

Babu JATINDRA NATH BASU: Mr. Speaker, Sir, did you rule that after the reply from the Hon'ble Minister there should be no other speeches from other members of the House?

Mr. SPEAKER: So far as I am concerned I will be willing to keep this debate open as much as you like. I will open the Select Committee discussion and, if necessary, I will continue till to-morrow, but I think it is desirable to finish it to-day. If the members want to speak, I have no desire to stand in their way.

Babu JATINDRA NATH BASU: Mr. Speaker, Sir, it has been admitted on all hands that this is a most important measure affecting the land laws of this province. Sir, the land laws of a country affect the credit of the country and affects its economic condition. Anything therefore that interferes with the land laws in the way that this Bill contemplates should receive the most careful consideration before the measure is brought forward in the Legislature for final consideration. Sir, there is no doubt that certain existing rights which have been enjoyed by those that hold those rights have been so enjoyed for a very long time. Some say that the right has been enjoyed for centuries and from before the permanent settlement. Some say that the right has been enjoyed from a time more recent. But the fact is there that the rights have been enjoyed for a great many years and have been recognised by all in this province—whether it is the State or whether it is the landlords or the tenants. Therefore, if you are going to change a system of law governing land rights in this province, it is only fair that the change should be effected after the most careful consideration.

Sir, until this Bill was brought before this House the public and the members of this House had no knowledge as to the specific matters which this measure was going to deal and the procedure that has been adopted in considering this measure has been that it has been brought forward before this House for final disposal with only about five days'

time given to the members of this House to go through the measure, consider all its implications and to submit amendments. The importance of the measure will appear from the number of amendments that have been sent in. Sir, take the converse case. Suppose this Bill had affected the interests of the tenant instead of the interests of the landlords. Is there any one, whether landlord or tenant, or whether a person who like me is neither a landlord nor a tenant, is there any one here who would have liked that measure to be rushed as this measure is intended to be rushed before this House? Had it been a measure affecting in any way or taking away in any way the rights which the tenants possess, is there any one who would have objected to a proposal before this House that the Bill should be circulated widely for consideration by the public before it was finally taken up for being passed through the Legislature? Sir, you can always look at the justice of a particular proposition by considering what would have happened if the converse had happened. Sir, I felt one great difficulty when going through this Bill. In the Statement of Objects and Reasons it is stated that the object of the Bill is not to attempt a radical reform of the existing system of land tenure but to lessen the burden of the cultivator. I looked carefully through the Bill to find out the cultivator. I did not find him anywhere. So far as I could see, the fight that is being intended to be waged is between a middleman of a lower degree with a middleman of a higher degree; the cultivator is not in the picture. It may be that the middleman of the lower degree is sometimes also a cultivator but in the Bengal Tenancy Act there is no definition of the word "cultivator." In the Statement of Objects and Reasons placed before the House by the Government the word "cultivator" does not appear. Sir, if it was the intention that between the State and the actual tiller of the soil there should be no profiteering middlemen, it was a proposition that required very careful consideration and I should not risk a hasty or hurried measure over it, but it was a measure that undoubtedly deserved very careful consideration. In this case there is one class of middlemen, it may be that the class is more numerous—which is going to obtain some advantages out of another less numerous class of middlemen who happen to be superior landlords.

Why should a measure like that be permitted so that one of such classes may have advantage over another without the most careful consideration as to what would be the effect of the measure on the actual tillers of the soil, on the property rights of this province and on the credit which this province enjoys by reason of its existing land laws. Sir, we have to look ahead. It may be necessary that for various schemes of improvement, for our public works, for our public health, for our education we may require to raise big loans from the public. If we proceed in a hurry, as we have been intending to do by placing an important measure like this for final consideration before the House

without ascertaining the opinion of the public of this province, do you think you will command the confidence of the people? If you want the welfare of the province, you will have to ensure the safety of the credit.

Sir, there are undoubtedly, as the Chief Minister has pointed out election pledges given to electorates by a large number of members of this House, but election pledges do not compel them to push on a measure at a forced pace. If a measure is intended to be introduced those who will be affected by it, namely, the cultivators should have proper time given to them to consider as to what might be the ultimate effect of this experiment. Sir, a measure may be placed before the House for immediate consideration and disposal if it is a measure like the Defence of the Realm Act. I would ask the members of this House if there is such an emergency. If it is admitted that the grievances of the particular section of the population for whose benefit this measure has been introduced have been in existence for some time, it can hardly do them any injury if the Bill is circulated so that the public may have an opportunity of making their suggestions on the various steps that this Bill desires to take. Sir, it has been pointed out by Sir George Campbell that the Bill takes away existing rights No one will deny that it does so, and whether those rights are statutory or customary it does not matter. The last piece of legislation which laid down a statutory rule as regards transfer fees had reference to the custom that previously existed according to which there were varying rates in different localities. For the sake of convenience a definite rule was laid down but it was clear that there was nothing new in that. A certain percentage was arrived at in place of the different rates that prevailed. So there was no new right conferred in that way on any holder of land by what was provided in the Act of 1928. Besides this, there are other provisions.

Sir, then as regards the provision of realisation of rent, I think for the sakek of the progress and stability of this province everyone of us should try to instil into the minds of those who hold lands that they have a duty to perform to the State and that is the payment of rent. It has been unfortunately spread wide that payment of rent is not as great a duty as it is for the very life and maintenance of the State. Supposing there were no landlords, what would happen? Then the tenants who will have to pay to the State, that is to say, will have to pay to themselves money for their own benefits. A provision which enables those that have to pay to the State on behalf of the tenants, will enable them to realise the rents from the tenants.

Then, comes the question of subdivision of holdings. If a holding which pays Rs. 2 is subdivided into 15 shares, each of share-holders will be liable to pay something like 2 annas every year. So you require the landlord to take steps for the recovery of that small sum, which

means that he will have to spenod Rs. 8 or Rs. 10 in instituting a civil suit for a few annas.

Sir, there is a provision in this Bill where the tenant concerned can have recourse to the Revenue authorities; but so far as the realisation of rent from the tenants by the landlord is concerned, the landlord has to go through the expensive procedure of the civil court, so that in fact the landlord very seldom goes to court until the arrears accumulate for three or four years and before they are barred by limitation, and then he institutes a civil suit. I do not think that it is fair.

Sir, I submit that the Bill is of sufficient importance to require careful consideration by all sections of the community and in the interests of the province as a whole I propose its circulation.

Mr. W. C. WORDSWORTH: Mr. Speaker, Sir. In supporting the motion for circulation moved on behalf of this group, I may add to what has been said our belief that this is a hastily drafted measure, ill-considered or rather little considered, born of panic, the outcome not of patient investigation of all the factors of the problem but of an emotional response to the difficulties of the moment. Many in the House have knowledge, or if not knowledge a deep suspicion almost amounting to the solidity of knowledge, that up to the afternoon of a certain day Government had other views and intentions about land policy. That day was the day when grants were to be voted under the head of land revenue. Suddenly on receipt of notifications from groups in this House, it plucked from its bosom convictions cherished since April 1st, cast them into outer darkness for no fault of their own, accepted other convictions offered in their place, and has cherished these with a fierce and concentrated affection to make up for lost time. Our view is in short that more examination should be given to convictions of which Government has thus suddenly become the warm and devoted champion.

In the language of religion this kind of change is called conversion. In the language of something that is less than religion, it is commonly called a change of heart and spirit. I have often read that it gives great exhilaration to those who experience it, and we may therefore envy the Government its pleasure. But let not the Government flatter itself that it holds the record for speed of conversion. That is still held by the bold bad baron of the old poem who met his death by a fall from his horse. As he left the saddle he repented of his misdeeds. Before he crashed in death he had found salvation, for it is written that there is mercy for every sinner that repenteth. As the poet exquisitely described the event:

> Between the saddle and the ground,
> He mercy sought and mercy found.

The two events are similar, with a difference of time factor. The one conversion took half a second. The other took half an hour. They had the same motive, a sudden yearning to be saved. And both equally deserve to be remembered in noble verse. It has always been a grief to me that notwithstanding my name I am not a poet, and the best I can do is something of this sort:

Twixt 3-15 and 45,
They found a way to keep alive.

This Bill is the way, and because they found it we have these unsatisfactory proposals before us. In our opinion the Bill gives no thoughtful attention to the relations of landlord tenant and Government ignores the great problem of rent, and many other things that must be carefully investigated in any satisfactory land policy for a great province, mainly dependent on agriculture. Is it sufficient to base policy on promises made to get votes in the heat of an election campaign? Can we think of nothing better than that? Why the unseemly haste? Does Government desire to get anything established and perhaps perpetuated before a comprehensive enquiry can be held? What are Government's views about the rumoured commission of enquiry? If it is to deal with the whole problem, why should we be called on to deal with bits of it now?

The 1928 Act was a compromise. It gave the landlords something because it gave the tenants something. Was it a fair exchange? We do not know and we have not had time to find out. Without further thought we cancel that exchange, and destroy that balance. Have landlords more rights than they should have? Let us find out. Let us have time to find out. Our advice is, don't decide anything without due consideration. That is what we ask for, a full honest patient investigation of the problem in all its aspects, not a policy based on the emotions of the moment.

Mr. SPEAKER: I find there are still so many members who want to speak I think, however, I should now call upon the Hon'ble the Revenue Minister to reply, but before doing so, I should like to know from the Leader of the European group whether he has any objection.

Sir GEORGE CAMPBELL: I have no objection, Sir.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I admit it is not always in consonance with sound principles of legislative proceedings to rush through a Bill or to oppose a motion for circulation for eliciting public opinion with reference to a measure which affects the interests of the millions of the province, and I fully appreciate the reasons and the

considerations that have prompted the honourable mover of this motion to ask the House to agree with him. In opposing the motion, I may make one submission. I would ask the House to bear in mind that this Bill does not attempt at a comprehensive amendment of the land tenure system of this province. This Bill more or less attempts to remove some of the pressing grievances of the tenants and these grievances have been before the public for the last seven years at least.

Sir, agitation against the landlord's transfer fee, and agitation against the right of pre-emption started almost immediately after the Act of 1928 was placed on the statute book. Besides, Sir, there were these specific issues in the last general election. So, public opinion has really crystallised on these issues and I therefore fail to understand as to what is going to be gained by again eliciting public opinion on this measure.

Sir, we propose to give relief to the tenantry; we propose to give relief to the raiyats, and it is only meet and proper that the relief should come as early as possible. Some of the speakers have accused Government of introducing a measure which does not contain proposals for giving relief to the cultivator but for really benefiting one middleman at the cost of another. I may mention that the reduction of the rate of interest certainly confers substantial benefit on the cultivators. The abolition of landlord's transfer fee increases the raiyat's credit by 20 per cent., the rate at which the transfer fee is now calculated on the purchase value of a holding.

There is a proposal for enabling the raiyat to claim reinstatement of the holding which was under diluvion without payment of rent for the whole period the property was under diluvion. Then there is a proposal for enabling a cultivator to get back, under certain conditions, his land placed under usufructuary mortgage. Certainly these are provisions for benefiting the cultivators. I admit there are quite a large number of occupancy raiyats who are themselves no better than rent-receivers, but their number is by no means very large. The largest proportion of the occupancy raiyats are themselves nothing but cultivators. This Bill proposes conferment of substantial rights and benefits on the tillers of the soil.

Sir, if Government were convinced that by eliciting public opinion on this measure they would receive some suggestions which would be really helpful, I can assure the House that they would never have hesitated to do so, but it would be a mere waste of time and nothing more. On these grounds, Sir, I oppose the motion moved by Sir George Campbell.

Mr. SPEAKER: The question before the House is that the Bengal Tenancy (Amendment) Bill, 1937, be circulated for the purpose of

eliciting opinion thereon by the 31st of December, 1937. As many as are of that opinion will say "Aye", and those who are of the contrary opinion will say "No".

I think the "Noes" have it.

(Several members asked for a division, of whom Mr. Abdur Raschid Mahmud was one.)

Mr. SPEAKER: I noticed you were among those who asked for a division. Will you please tell me whether you were for the "Ayes" or for the "Noes"?

Mr. ABDUR RASCHID MAHMUD: I cried out neither "Aye" nor "No".

Mr. SPEAKER: Then, if you did not take part in the voting, you cannot call into question my decision.

I think it will be convenient if I take the division in the House instead of through the lobbies, and thus save some time. I would, therefore, ask Mr. Millar to be the teller for the time being for the European group. Will he, therefore, please give me the names of those gentlemen who stand up in favour of the motion? I would request those gentlemen of the European group who are in favour of the motion to kindly stand up.

(Mr. Millar came to the Chair and gave the names of the members of the European group who were in favour of the motion.)

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. I beg to submit that division through the lobbies would be more suitable

Mr. SPEAKER: But this process may save time.

Mr. Khwaja SHAHABUDDIN: I rather think, Sir, it will take more time.

Mr. SPEAKER: Those gentlemen who oppose this motion will now kindly rise in their seats as I call out their names from the list. I think this will simplify matters. No one need rise if he is not voting.

Mr. SPEAKER: This Bill is an emergency measure and I wanted to see whether it was possible to curtail the time by taking votes in this way so that we might shorten the time of division. I take it that divisions will be called off and on and if we had 20 divisions, the time taken would be too great, and it is my duty to see if some simpler method could be devised by which the time of division could

be shortened. With that end in view I resorted to this new procedure. I find that in calling the names I took from 12 to 15 minutes. But ordinarily a division takes about 20 minutes. So I find that much time will not be saved by adopting the new procedure and I will not follow it in future.

I want to know the opinion of this House as to whether any simpler method could be devised, as we are all very anxious to shorten the time taken by division. It is a matter for the entire House, but the manner in which the division will be taken it is for the Speaker to decide and the Speaker will take into consideration the opinion of the House. At present when a division is taken there is so much congestion near the door that it takes 10 to 15 minutes for the members to go into the lobby to record their votes.

Then a division was taken with the following results:—

AYES.

Acharyya Choudhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
Armstrong, Mr. W. L.
Bannerman, Mr. H. C.
Basu, Babu Jatindra Nath.
Brasher, Mr. F. C.
Campbell, Sir George, Kt.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Cooper, Mr. C. G.
Cronfield, Mr. L. M.
Ferguson, Mr. R. H.
Gammeter, Mr. E. C.
Griffiths, Mr. C.
Hamilton, Mr. K. A.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
MacLauchlan, Mr. C. S.
Mahtab, Maharajkumar Uday Chand.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Morgan, Mr. G., C.I.E.
Nimmo, Mr. T. B.
Patton, Mr. W. C.
Paul, Sir Hari Sankar, Kt.
Ray Choudhury, Mr. Birendra Kishore.
Ross, Mr. J. B.
Roy, Kumar Shib Shekhareswar.
Roy, Rai Bahadur Kshirod Chandra.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Tapuriah, Rai Bahadur Moongtu Lall.
Walker, Mr. J. R.
Wordsworth, Mr. W. C.

NOES.

Abdul Bari, Maulvi.
Abdul Hafeez, Khan Bahadur Syed.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia Mr.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Mr Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Mau
Abdu Jabbar, Maulv
Abdul Jabbar Paiwan, Mr. Md.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdul Wahed, Maulvi.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F.M.
Abdur Raschid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Abul Hashim, Maulvi.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Ahmed Khan, Mr. Syed.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.

Amir Ali, Md. Mia.
Asimuddin Ahmed, Mr.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Banerjee, Mr. P.
Banerji, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Choudhury, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Edbar, Mr. Upendranath.
Emdadul Haque, Kazi.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hasan Ali Chowdhury, Mr. Syed.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Himatsingka, Mr. Prabhudayal.
Idris Ahmed Mia, Mr.
Ispahani, Mr. M. A. H.
Jainiuddin Hashemy, Mr. Syed.
Jasimuddin Ahmed, Mr.
Jonab Ali Majumdar, Maulvi.
Kabiruddin Khan, Khan Sahib.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Mosiem Ali Mollah, Maulvi.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Sofaiman, Mr.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mullick, Srijut Ashutosh.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswal Haque, Mr. Syed.
Mustufa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nasker, Mr. Hem Chandra.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Pramanik, Mr. Trinicharan.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ramizuddin Ahmed, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sen, Babu Nagendra Nath.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shahedali, Mr.
Shamsuddin Ahmed Khandkar, Mr.
Shamsul Huda, Maulana.

Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Suhrawardy, the Hon'ble Mr. H. S.
Sur, Mr. Harendra Kumar.
Tamizuddin Khan, Maulvi.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmad Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
West, Mrs. Ellen.
Yusuf Ali Choudhury, Mr.
Zaman, Mr. A. M. A.

The Ayes being 36 and Noes 182, the motion was lost.

Kumar SHIB SHEKHARESWAR ROY: I should like to know what is the fate of my motion.

Mr. SPEAKER: You wrote a slip to me saying that you would not ask for division.

Kumar SHIB SHEKHARESWAR ROY: But I want this to be put.

The motion of Kumar Shib Shekhareswar Roy was then put and lost.

Mr. J. W. CHIPPENDALE: Sir, I am in a difficulty because I have not been able to obtain the written consent of all the members I have named. If my friend Kumar Shib Shekhareswar Roy would formally move——

Mr. SPEAKER: He has already moved his motion formally and if you also do so, the discussion will be taken up to-morrow.

As I have extended the privilege of handing over to me the written consent of the members named in Kumar Shib Shekhareswar Roy's motion to-morrow, I will do the same to you.

Mr. J. W. CHIPPENDALE: I beg to move by way of amendment that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. A. K. Fazlul Huq.
(2) The Hon'ble Minister in charge of the Revenue Department,
(3) Maulvi Abdul Bari,
(4) Maulvi Tamizuddin Khan,
(5) Khan Bahadur Maulvi Hashem Ali Khan,
(6) Mr. Abdulla-Al Mahmood,
(7) Maulvi Abdul Latif Biswas,
(8) Mr. M. Shamsuddin Ahmed,
(9) Mr. Nishitha Nath Kundu,
(10) Mr. Pramatha Nath Banerjee,
(11) Mr. Santosh Kumar Basu,
(12) Mr. Manmatha Nath Roy,

(13) Kumar Shib Shekhareswar Roy,

(14) Maharaja Sashi Kanta Acharyya Choudhury,

(15) Sir George Campbell, Kt., and

(16) the mover,

with instructions to submit their report within 3 weeks from the date of this motion and the number of members necessary to form a quorum shall be five.

In this connection I have got a good deal to say and possibly I will require quarter of an hour. Therefore I ask that it should be taken up to-morrow.

Mr. SPEAKER: This Select Committee motion will be open for discussion to-morrow. I would like to know whether we would take up only the Select Committee motion or we might go on with some of the amendments also.

Sir Bijoy, I would request you to try to find out any of the amendments which are beyond the scope of the Bill.

I would request you, Mr. Bose, kindly to help me to-morrow or on Monday at the latest by giving me a list of motions that your party would like to move. I would also request the Nationalist Group and the Coalition Party to do the same.

Adjournment.

The House was then adjourned till 10-30 a.m. on Saturday, the 11th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Saturday, the 11th September, 1937, at 10-30 a.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 213 members.

STARRED QUESTIONS

(to which oral answers were given)

Staff under the control of the Director of Industries, Bengal.

***122. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing the names of all the staff except menials of the institutions under the direct control of the Director of Industries, Bengal, and also the gazetted and non-gazetted staff and clerks of the Head Office, on the following headings, namely:—

(1) Department;

(2) Designation;

(3) Nature of post;

(4) Number of incumbents—

Hindus, and

Muslims;

(5) Total;

(6) Present Pay; and

(7) Scale of pay?

(*b*) Is the Hon'ble Minister aware of the low percentage of the Muslims in the—

(*i*) Head office—

(1) Gazetted, non-gazetted ranks, and

(2) Upper division of the ministerial staff;

(*ii*) Central Weaving Institute, Serampore;

(*iii*) Government Silk Weaving and Dyeing Institute, Behampore

(*iv*) Nine District Weaving Schools;

(*v*) Weaving demonstration parties;

(*vi*) Technical Schools—Pabna, Bogra, Rangpur and Barisal; an

(*vii*) Bengal Survey School, Comilla?

(*c*) If the reply to (*b*) is in the affirmative, what steps are bein taken by Government to raise the percentage of Muslims?

(*d*) Does the Hon'ble Minister contemplate steps to be taken fo fixing the percentage of the Muslims in all the departments and fo reserving further appointments for Muslims until the fixed percentag of the Muslims is reached?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, o Dacca): The information necessary to answer this question is not readil available and its collection will take some time. A reply will be com municated to the member as soon as it has been collected.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the other members will also get the informa tion?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, if they want to have it.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state by what time this information may be available?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If the hon'ble member would look into the answer he would find that I said that "it will take some time."

Maulvi ABDUL BARI: How long?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As soon as possible.

Maulvi ABDUL BARI: That is very vague. May we know the time, whether in the course of a week or 10 days or 15 days or a month?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In such a comprehensive question I cannot say anything further than what I said already.

Expense in maintaining the police force of Calcutta.

*123. **Maulvi ABUL QUASEM:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) the total expense incurred by the Government in maintaining the police force exclusively for the city of Calcutta;

(*ii*) the part of this expense met by the residents of the city; and

(*iii*) the proportion, if any, borne by the Corporation of Calcutta, of the expense for maintaining traffic control in the city?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*i*) Rs. 44,69,799 during 1936-37.

(*ii*) and (*iii*) Nil.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether he thinks it desirable to make rules throwing some burden on the residents of the city of Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question is under examination.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Minister aware of certain taxes made over to the Government of Bengal years ago in consideration of their taking over the police force in Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware but the question is being examined.

Mr. RASIK LAL BISWAS: In view of the fact that in village area people are to bear the police tax in the form of union rate, will not the Government think it desirable to put the police charge in Calcutta upon the people of Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that the question is being examined.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state whether there is any room for retrenchment under this head?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this question does not arise out of this question.

Cadastral survey.

***124. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the cadastral survey has been finished in all the districts of the Province?

(*b*) If the answer to clause (*a*) is in the negative, will the Hon'ble Minister be pleased to state the names of the districts where this cadastral survey is not yet finished?

(*c*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether settlement operations have also been finished in those districts? If not, when these operations are expected to be finished?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No.

(*b*) Dinajpur.

(*c*) Does not arise.

Primary schools.

***125. Maulvi ABDUL BARI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the number of primary schools is increasing gradually but the Government grant remains stationary?

(*b*) Will the Hon'ble Minister be pleased to augment the present grant and improve the situation of the primary schools?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) There has been an increase in the number of primary schools but Government's grants for primary education could not be increased proportionately owing to the paucity of funds.

(*b*) Yes, as far as funds permit.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether any funds in excess of what has been provided already last year can be provided this year?

The Hon'ble Mr. A. K. FAZLUL HUQ: The matter will be duly considered when the budget is framed.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state whether it is a fact that Government have not provided in the current budget sufficient money for giving grants to increase the number of primary schools because they contemplate to make a comprehensive scheme for compulsory primary education in Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is so.

Kanungos of the Settlement Department.

***126. Mr. ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the number of Kanungos who joined the Settlement Department from permanent and pensionable Government service; and

(*ii*) whether any such Kanungo, recruited from pensionable Government service, has since retired after full term of approved and continuous service?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government has sanctioned pension to such retired Kanungo in accordance with the provisions of article 376 of the Bengal Civil Service Regulations?

(*c*) If the answer to clause (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason for such refusal and also to state the benefit the Government proposes to give such officers for the period they were in permanent Government service from which they were recruited?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) 10.

(*ii*) Three of them have since retired.

(*b*) and (*c*) The pension case of one of them is now under examination of Accountant-General. As the two others had no lien on the permanent service from which they were recruited no pension is admissible to them. But in respect of the period they served in permanent service, gratuity under section 474 (*a*), Civil Service Regulations, is payable.

Mr. ABUL HOSAIN AHMED: In reference to answer (*b*), will the Hon'ble Minister be pleased to state whether gratuities have been paid to the two men?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Circle Pundits.

***127. Mr. UPENDRANATH EDBAR:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that several circle Pundits were retrenched from their services in March, 1925;

(*ii*) that most of them have been reinstated to their services under the Education Department; and

(*iii*) that Babu Hari Charan Mistry (V. M. passed) one of the retrenched Pundits has not, as yet, been reinstated to his service in spite of his various prayers to the several vacancies occurred thereafter?

(*b*) If the answer to clause (*a*) (*iii*) is in the affirmative, is the Hon'ble Minister considering the desirability of reinstating him to any service in the Education Department in the near future?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*b*) Babu Hari Charan Mistry does not possess the requisite qualification for appointment either as a teacher in a Guru Training School or as a Drawing and Drill Master or in any other capacity in the vernacular Teachers' grade in Government High Schools. He has been informed accordingly.

Constables in Bengal Police force.

***128. Maulvi AULAD HOSSAIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) the total number of constables in Bengal Police force;

(*ii*) the number of them that are recruited from the residents of Bengal;

(*iii*) the number of them that are recruited from the residents outside Bengal;

(*iv*) the number of scheduled castes; and

(*v*) Mussalmans?

(*b*) Will the Hon'ble Minister be pleased further to state whether in view of acute unemployment problem in the Province, Government have formulated any policy to recruit henceforth all such officers from the residents of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) 20,380 constables (as it actually stood on the 1st January, 1937).

(*ii*) 8,088.

(*iii*) 12,292.

(*iv*) 577 (as it stood on the 1st August, 1937).

(*v*) 6,935 (as it stood on the 1st January, 1937).

(*b*) The existing rules for recruitment already provide that in enlisting constables to the unarmed branch of the police force, preference should be given to Bengalis, provided they possess the requisite physical and other qualifications.

A member: Is the Hon'ble Minister aware that in spite of the Bengalis possessing the requisite qualifications non-Bengalis are appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I am not aware.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether Government can see their way to appoint Bengalis only in the Unarmed Branch?

The Hon'ble Khwaja Sir NAZIMUDDIN: In future that is going to be the policy; I do not know what it has been in the past.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state that in future appointments the number of scheduled castes will be increased?

The Hon'ble Khwaja Sir NAZIMUDDIN: Subject to the fact that we get the right type of men an endeavour shall be made to increase the number of scheduled caste men in the police force.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware that a large number of Bengalis with requisite qualifications are prepared to enrol themselves as constables in the Bengal Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state that sufficient number of Bengalis in some cases are refused if up-countrymen are available?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Mr. ABUL HOSAIN AHMED: In reference to answer (*a*) (*iii*) will the Hon'ble Minister be pleased to state that this large number of constables were appointed for want of Bengalis with requisite qualifications?

The Hon'ble Khwaja Sir NAZIMUDDIN: I should presume so.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to inform the House whom he considers the right type of recruits?

The Hon'ble Khwaja Sir NAZIMUDDIN: Those who fulfil the conditions laid down in the recruitment rules.

Mr. JOGESH CHANDRA GUPTA: What are those conditions?

The Hon'ble Khwaja Sir NAZIMUDDIN: They are already laid on the table.

Mr. RASIK LAL BISWAS: Is the Government aware that some of the recruiting officers who are not Bengalis do not like to recruit Bengalis in spite of definite rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think, Sir, that this is correct.

Khan Bahadur MOHAMMED ALI: Is there any such rule that the requisite number of constables for one district should be recruited from another district by a recent circular?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is a question later on this very subject. I would ask the member to wait.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state whether Bengalis are unfit for the Armed Branch of the service?

The Hon'ble Khwaja Sir NAZIMUDDIN: In some respects they are found to be unsuitable.

Maulvi ABUL HASHIM: In which respects are they not suitable?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is difficult to tell in what respects but that is the opinion generally.

Babu KSHETRA NATH SINGHA: Is the Hon'ble Minister aware of a standing rule in the Rangpur Police Department that the *paharis* first of all will be appointed, secondly, up-countrymen will be appointed and thirdly, if any remained, Muhammadans or scheduled castes will be appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that there is any such rule about the Unarmed Branch of the Police.

Criminal case against Jiban K. Dey and others of Chhaygaon by the police of Palong Circle, in Faridpur.

***129. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that the police of Palong Circle in the subdivision of Madaripur in the district of Faridpur started a criminal case under section 110, Criminal Procedure Code, in 1935 against Jiban Kanai Dey and nine other young men of Chhaygaon and its neighbourhood?

(*b*) Is it a fact that during the trial of that case by the Subdivisional Officer of Madaripur and before any of the prosecution witnesses were cross-examined all the accused pleaded guilty?

(*c*) Is it a fact that the said Subdivisional Officer referred the case to the Sessions Judge of Faridpur, directing the accused persons to furnish security bonds?

(*d*) Is it a fact that the securities offered by the accused were not accepted by the Subdivisional Officer?

(*e*) Is it a fact that the said Subdivisional Officer directed the accused persons to suffer imprisonment for three years, pending the orders of the Sessions Judge?

(*f*) Is it a fact that two petitions on behalf of the said accused persons were submitted before the said Sessions Judge on the 22nd June, 1935, and 24th June, 1935, making certain statements against the police and also disputing the validity of the plea of guilty which they had made before the Subdivisional Officer of Madaripur?

(*g*) Is it a fact that before the said Sessions Judge the case of the accused was "that some of the prosecution witnesses were beaten, assaulted, tortured and humiliated by the police with a view to extort false evidence, that even threats were given by the police to molest the women of the village, and that the pleas of guilty were due to a terror created by the police oppression in the locality and that the said pleas were induced by a promise by the police that the accused would be left off on bail and their sureties would be accepted if they pleaded guilty"?

(*h*) Is it a fact that after judicial enquiry the said Sessions Judge found that the case of the accused was true and acquitted the accused?

(*i*) Will the Hon'ble Minister be pleased to state whether he is aware that in the judgment the said Sessions Judge observed that the conduct of Sub-Inspector Komaraddin, Assistant Sub-Inspector Hari Charan Bhattacharjee and Circle Inspector Badaruddin Ahmed, who were in charge of that case, deserved notice and the authorities would consider whether any departmental action should be taken against them?

(*j*) Will the Hon'ble Minister be pleased to state, whether any departmental action as recommended by the said Sessions Judge has been taken?

(*k*) If the answer to clause (*j*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The accused pleaded guilty without cross-examining the prosecution witnesses or putting in a defence.

(*c*) to (*e*) In some cases the accused failed to furnish the requisite sureties while in some other cases, the sureties offered were rejected by the Subdivisional Officer. Their cases were, therefore, referred to the Sessions Judge, under section 123, Criminal Procedure Code, and pending his orders, they were detained in prison.

(*f*) and (*g*) Yes.

(*h*) The Sessions Judge held that the prosecution case was not proved and he accordingly discharged the accused persons.

(*i*) Yes.

(*j*) and (*k*) Government did not consider it necessary in the public interest to order a special inquiry.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state that having regard to the answer to paragraph (*g*) in the affirmative that some prosecution witnesses were beaten, assaulted, etc., why is it that the Government did not consider it necessary in the public interest to order a special enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government did not accept that. That was the defence case.

Mr. JOGESH CHANDRA GUPTA: In answering question 129 (*g*) in the affirmative the Hon'ble Minister has admitted that that is the finding of the learned Sessions Judge and not the defence case. Even after that how is that no enquiry is ordered?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I read out (*g*) which says "is it a fact that before the said Sessions Judge the case of the accused was that some of the prosecution witnesses were beaten, etc." The hon'ble member referred only to (*h*).

Mr. JOGESH CHANDRA GUPTA: (*g*) is the allegation and (*h*) shows that the Sessions Judge has accepted that allegation. May I refer the Hon'ble Minister to the answer which is "the Sessions Judge held that the prosecution case was not proved and he accordingly discharged the accused persons".

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what observations the Sessions Judge made in coming to this judgment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that the Sessions Judge criticised the action of the police in very strong terms?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so but the then Government did not consider it necessary in the public interest to make an enquiry.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he thinks it necessary, in view of the judicial finding against the police, to order a departmental investigation?

The Hon'ble Khwaja Sir NAZIMUDDIN: The then Government examined the matter in view of the judicial findings and then they came to the conclusion that no further enquiry was necessary.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be prepared to reopen the case and review the decision of the late Government in view of the judicial findings?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir; besides it is a request for action.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether any compensation has been given to the accused persons?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister state the reasons for not ordering a special enquiry into the matter?

Mr. SPEAKER: The Hon'ble Minister has already stated that the previous Government did not consider it necessary.

Detenu Mr. Abdul Halim.

***130. Mr. B. MUKHERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether the detenu Mr. Abdul Halim is being detained at Pachagarh police-station in the district of Jalpaiguri?

(*b*) Is it a fact that Mr. Abdul Halim has been suffering for a very long time from—

(*i*) Dry pleurisy;

(*ii*) Right-sided hernia;

(*iii*) Filariasis of scrotum; and

(*iv*) Suspected appendicitis?

(*c*) Will the Hon'ble Minister consider the desirability of holding an examination of Mr. Abdul Halim at once by medical specialists and of submitting a report of the same?

(*d*) Is it a fact that there is a Government circular that no detenu should be sent to a village domicile if he is suffering even from a minor ailment?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state why Mr. Abdul Halim was detained in an Himalayan Terai tract notorious for its pernicious climate though he has been suffering from major ailments stated above?

(*f*) Will the Hon'ble Minister consider the desirability of transferring Mr. Abdul Halim to a more congenial place?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Although the detenu had had occasional minor ailments, his health has improved during the period of his internment and is now satisfactory.

(*c*) No.

(*d*) No such circular is necessary. Orders interning a person in a village are passed by Government who would not pass such orders in the case of a person whose health is likely to suffer in consequence of that form of restraint.

(*e*) and (*f*) The question does not arise in view of what I have stated in answer to (*b*).

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether he considers that the ailments referred to in clause (*b*) of the question are minor ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. We do not admit that he was suffering from these ailments.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble the Home Minister be pleased to state whether he has got any definite information regarding the nature of these minor ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. BIRENDRA NATH MAJUMDAR: Will the Hon'ble Minister be pleased to state whether the detenu is now free from any ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether in characterising the detenu as suffering from occasional minor ailments he expresses his own judgment as to the nature of these ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: The ailments referred to in the question are not the ailments from which he was suffering and the ailments he was suffering from were of a minor nature.

Mr. SANTOSH KUMAR BASU: What are those ailments which the Hon'ble Minister has characterised as minor ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already asked for notice.

Mr. SANTOSH KUMAR BASU: I do not understand, Sir, how in spite of this the Hon'ble Minister says that they are minor ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I want to make it clear that when I answered the question I knew what those ailments were but I am sorry that I do not carry them in my head.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the opinion of a civil surgeon or a competent surgeon of that category was taken before he came to the conclusion about minor ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member will put in a question I will state the ailments that the detenu was suffering from and the House will be able to judge whether they were of a minor or of a serious nature.

Dr. NALINAKSHA SANYAL: I want to know whether a civil surgeon or a competent surgeon was consulted in ascertaining the nature of the ailments or the Hon'ble Minister's opinion is based on police report alone?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think the whole position will be clear if any of the members who are so anxious about this detenu will put in a question and I will state what the minor ailments were.

Monthly allowance of home internees Bimal Chandra Roy and Sudhir Chandra Mukherjee of Kurigram.

***131. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware that home internees Bimal Chandra Roy and Sudhir Chandra Mukherjee of Kurigram, in the district of Rangpur, applied to the Deputy Secretary, Political Department, for their monthly allowances but they did not receive any reply in spite of their repeated prayers? If not, why not?

(*b*) Is the Hon'ble Minister aware that the holding up of the allowance of Bimal Chandra Roy, who is a Law examinee, will not make it possible for him to appear at the next Law Examination in December next?

The Hon'ble Khwaja Sir NAZIMUDDIN: Babu Sudhir Chandra Mukherjee has been released on certain conditions. No petitions for any allowance have been received from either of the persons mentioned. I am making inquiries regarding the allowance of Babu Bimal Chandra Roy, and if it is the case that no allowance has been paid so far, this will be put right as soon as possible.

Dr. NALINAKSHA SANYAL: With reference to question (*b*) will the Hon'ble Minister be pleased to state whether he is aware that Babu Bimal Chandra Roy is a Law examinee?

The Hon'ble Khwaja Sir NAZIMUDDIN: He has been given permission to appear at the Law Examination.

Congress Institutions in India.

***132. Dr. GOBINDA CHANDRA BHAWMIK:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether he is aware that all the Congress institutions in India are functioning as legal bodies except those of Midnapore?

(*b*) Are the Government going to withdraw the ban from the Midnapore district?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state when the ban is going to be withdrawn?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I am not aware of the status of all Congress institutions in India.

(*b*) and (*c*) The policy of Government in this as in other matters is one of progressive amelioration, and removal of the restrictions will be considered in due course.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister not aware that Congress institutions are not *ipso facto* illegal bodies?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, that may be so.

Mr. JOGESH CHANDRA GUPTA: If the Congress institutions are not *ipso facto* illegal bodies, will not the Hon'ble Minister consider the desirability of removing the ban on the Midnapore Congress institution?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the ban on the Midnapore Congress Institution is one of a large number of restrictions which had been imposed; most of them have been relaxed and the policy of Government is, as has been stated in my answer to (*b*) and (*c*), that they are watching the effect of this removal of restrictions and Government is also considering the question of removal of bans as soon as they consider the local situation justifies their removal.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to say what period is under contemplation by "as soon as"?

The Hon'ble Khwaja Sir NAZIMUDDIN: As the House is aware, the District Magistrate of Midnapore was posted there in April last. After his arrival there, on his advice a large number of restrictions were removed. We will take into consideration the report of the District Magistrate as well as we ourselves will consider the situation and within a very reasonable period Government hope to remove the ban.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to obtain a report from the District Magistrate of Midnapore regarding the Congress Institution apart from the restriction on persons at Midnapore?

The Hon'ble Khwaja Sir NAZIMUDDIN: Speaking from memory, restrictions on persons have been removed and the ban on the institution is the only one that exists at the present time. As I said before, it is very difficult to prescribe a definite period but we are watching the situation and as soon as possible Government will consider the question of the removal.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that there is a ban on the Abhoy Ashram at Comilla?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe so.

Burglaries and house-breaking in Calcutta.

***133. Maulvi ABUL QUASEM:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing, separately, for the years 1934, 1935 and 1936—

(*i*) the number of burglaries and house-breaking committed in the different quarters of Calcutta which are reported to the police;

(*ii*) the amounts (1) incurred in each case and (2) recovered in each case;

(*iii*) the number of cases in which arrests were made;

(*iv*) the number of cases in which prosecution was started; and

(*v*) the number of cases in which the arrested persons were convicted?

The Hon'ble Khwaja Sir NAZIMUDDIN: The available information is furnished in the statement which is laid on the table.

Statement referred to in the answer to starred question No. 133.

Years.	Number of burglaries and house-breaking reported to the police.	Amount incurred in the cases. (Statistics in each case not available.)	Amount recovered in the cases. (Statistics in each case not available.)	Number of cases in which arrests were made.	Number of cases in which prosecution was started.	Number of cases in which the arrested persons were convicted.
1	2	3	4	5	6	7
		Rs. a. p.	Rs. a. p.			
1934 ..	384	2,62,529 8 6	76,661 15 9	249	193	180
1935 ..	471	1,48,246 11 6	11,901 0 4½	232	195	182
1936 ..	418	57,627 15 9	7,332 6 0	208	188	177

Maulvi ABUL QUASEM: Although 418 cases of burglaries were reported, prosecution was started only against 188. Will the Hon'ble Minister be pleased to state the reason for this?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe they have not had enough material to start a prosecution.

Case against Nalini Mohan Deb, an Eastern Bengal Railway employee.

***134. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that a C. R. 17 of 1935 under section 182, Indian Penal Code, was instituted against one Nalini Mohan Deb, a railway employee, then posted at Saidpur, Eastern Bengal Railway, in the court of the Subdivisional Officer of Nilphamari (Rangpur);

(*ii*) that the said accused was tried and acquitted by the then Subdivisional Officer of Nilphamari on the 3rd April, 1935; and

(*iii*) that the trying Magistrate while acquitting the accused made some remarks against the sub-inspector and the assistant sub-inspector who were in charge of the case?

(*b*) Will the Hon'ble Minister be pleased to state the action, if any, taken by Government in view of the remarks of the trying Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) Yes.

(*iii*) No.

(*b*) Does not arise.

Amount spent by Government and District Boards for primary education.

***135. Mr. SHAH ABDUR RAUF:** Will the Hon'ble Minister in charge of the Education Department be pleased to state what amount has been spent by Government as well as by the District Boards of Bengal for primary education during the last three years?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement giving the information is laid on the Library table.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Appointments in the clerical staff in Khulna Judge's Court.

124. Maulvi WALIUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Legislative and Judicial Department be pleased to state—

(*i*) the number of appointments in the clerical staff made in Khulna Judge's Court in the last financial year;

(*ii*) the number of Muhammadans so appointed; and

(*iii*) the total number of clerks (*a*) that are Hindus, and (*b*) Muhammadans, in the Judge's Court now?

(*b*) Do the Government propose to place the Muhammadans on equal footing with the Hindus in the matter of appointments by giving immediate effect to population basis?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) Two permanent and two temporary.

(*ii*) One permanent.

(*iii*) According to the return received for the staff on the 1st April, 1937, there were 96 clerks in the Civil Court staff in the Khulna district, of whom 15 were Muhammadans and 2 were members of the scheduled castes.

(*b*) The present minimum percentage fixed for Muhammadans is 33⅓ per cent. for Khulna. The matter is under consideration so far as concerns the department under my charge.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state why the minimum percentage of 33⅓ of the appointments in the District Judge's office at Khulna was not complied with?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, the fact is stated there. I cannot give details.

Mr. ABDULLA-AL MAHMOOD: With reference to reply (*b*), will the Hon'ble Minister be pleased to state the time when this consideration will take?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It will take some time.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state that in spite of the fact that representations were made by the Khulna Muhammadan Association regarding these appointments, no action was taken upon it by the department concerned?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am not aware of it.

Clerks in the Judge's and Munsif's Courts of Jessore.

125. Maulvi WALIUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) the total number of clerks now in the Judge's Court of Jessore including clerks of all the Munsifs' Courts in the district—

(1) Caste Hindus,

(2) Scheduled castes, and

(3) Muhammadans;

(*ii*) the number of appointments in the clerical staff made by the District Judge between the 1st January, 1937, to 31st July, 1937,—

(1) Caste Hindus,

(2) Scheduled castes, and

(3) Muhammadans;

(*iii*) the number of appointments given to Jessore men; and

(*iv*) the number of appointments given to outsiders?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of process-servers now in the Judge's Court of Jessore including all the Munsifs' Courts, showing—

(1) Caste Hindus,

(2) Scheduled castes, and

(3) Muhammadans, separately; and

(*ii*) the number of new recruits—

(1) Caste Hindus,

(2) Scheduled castes, and

(3) Muhammadans in the last financial year and current year?

(*c*) Do the Government propose to appoint Muhammadans as—

(*i*) clerks; and

(*ii*) process-servers on the population basis?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) 119. (The total strength is 121, out of which, 2 are now lying vacant.)

(1) 71.

(2) 7 and (3) 41. (This includes 1 Native Christian who belongs to the Minority Communities according to Government Circular No. 1070 A.D., dated the 21st June, 1935).

(*ii*) 9.

(1) 3.

(2) 1.

(3) 5.

(*iii*) All the 9 appointments made from the 1st January, 1937, to the 31st July, 1937, were given to Jessore men.

(*iv*) None of the appointments made from the 1st January, 1937, to the 31st July, 1937, was filled up by men of other districts.

(*b*) (*i*) 157.

(1) 60.

(2) 4.

(3) 93.

(*ii*) 28.

(1) 12.

(2) 1.

(3) 15.

(*c*) No.

Mr. MONMOHAN DAS: With reference to question 125(*ii*), are we to understand that no suitable schedule caste candidates were available?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: One appointment was made from that community.

Mr. RASIK LAL BISWAS: In view of the fact that whenever we see the number of appointments made from the scheduled caste, we find that it is a microscopic small number. Is it the policy of Government to appoint such a small number of scheduled caste men particularly in the Judicial Department?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: There were nine appointments and one-tenth of that number is one. I do not see why an objection is taken.

Mr. RASIK LAL BISWAS: Although the Government policy is to appoint 15 per cent. from the scheduled caste minorities, here we see that a lower percentage than that has been appointed from this community. Will the Government think it desirable to raise the number up to that limit?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Progressively.

Amount realised by the Khas Mahal authorities in Chittagong district.

126. Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) what is the annual amount realised by the Khas Mahal authorities under the Certificate Procedure (Public Demands Recovery Act) in Sadar (*i*)A, (*ii*)B and Cox's Bazar subdivisions of the district of Chittagong in the years 1930, 1931, 1932, 1933, 1934, 1935, 1936 and the half year of 1937;

(*b*) what is the amount realised by the sale of (*i*) the estates themselves, and (*ii*) movables of the certificate-debtors each year in each subdivision;

(*c*) what is the number of certificate-debtors (*i*) arrested, and (*ii*) detained in the prison year by year in each subdivision; and

(*d*) what is the number of certificate cases in the police-stations of (*i*) Hathazari, (*ii*) Fatickcheri, and (*iii*) Raozan in each of those years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No such statistics are kept, so the information is not available.

Al-Haj Maulana Dr. SANAULLAH: Are the Government prepared to supply the required information, if not exactly at least approximately, from the existing records in the near future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult for me to agree to this request without knowing what amount of time and cost it would involve.

Rajair Sub-Registry Office within Madaripur subdivision, Faridpur.

127. Mr. MD. ABUL FAZL: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether—

(*i*) the Rajair Sub-Registry Office within Madaripur subdivision of the Faridpur district has shown any record of increased income to Government for the last three years;

(*ii*) the decision of the Government to shift the office to the head-quarter station of Madaripur subdivision in face of opposition of the local officers, will cause great inconveniences to the inhabitants of Rajair police-station;

(*iii*) the Government are aware that largely signed representations from various representative institutions and men enumerating their difficulties and inconveniences were submitted to Government protesting against the shifting of Rajair Sub-Registry Office to Madaripur; and

(*iv*) the Government are prepared to reconsider their order of shifting the Rajair Sub-Registry Office to Madaripur?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*i*) Yes.

(*ii*) It is realised that the proposed removal will cause some inconvenience to the residents of a portion of the area now served by the Rajair Office.

(*iii*) Yes.

(*iv*) The orders of Government for removing the office from Rajair to Madaripur have been kept in abeyance pending the receipt of a report from the Inspector-General of Registration who has been asked to investigate and suggest alternative proposal, if any.

Mr. MD. ABUL FAZL: Will the Hon'ble Minister consider the desirability of not removing the Rajair Sub-Registry Office to Madaripur?

The Hon'ble Mr. A. K. FAZLUL HUQ: That point will be considered by Government when the Inspector-General of Registration submits his report.

Mr. MD. ABUL FAZL: When is the report of the Inspector-General of Registration likely to be received?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Inspector-General has got a number of inspections to make before he submits his report and it is impossible for me to say when he will submit his report.

District Sub-Registrar of Dacca.

128. Nawabzada K. NASARULLA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the District Sub-Registrars are empowered to break open the lock of the private residential quarters of Muhammadan Marriage Registrars in the absence of such officers?

(*b*) Are the District Sub-Registrars empowered to break open the box and chest of Muhammadan Marriage Registrars even in search of office papers in the absence of Muhammadan Marriage Registrars?

(*c*) Are they empowered to carry away private papers and documents from such box or chest in the absence of such Muhammadan Marriage Registrars and whether such removal amounts to theft?

(*d*) Will the Hon'ble Minister be pleased to state if it is a fact that the District Sub-Registrar of Dacca broke open the lock of the office and private residential house of the Muhammadan Marriage Registrar of Lohajang on the 28th June, 1937, broke open the suit-case and box of the said Muhammadan Marriage Registrar and removed some of his private documents including some valuable title deeds and *hundis*?

(e) Will the Hon'ble Minister be pleased to state—

(*i*) if those valuable private documents have been returned to the said Muhammadan Marriage Registrar; and

(*ii*) what steps, if any, have been taken against the said District Sub-Registrar?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) Ordinarily they are not.

(*c*) No; but whether or not such a removal amounts to theft is for the court of law to decide.

(*d*) and (*e*) Details of the incident are not yet available, but I have asked the Inspector-General of Registration to hold a local enquiry.

Appointment of Quazis.

129. Maulana SHAMSUL HUDA: Will the Hon'ble Minister in charge of the Education Department be pleased to state the reason for appointing Quazis from the candidates other than the Final Madrassah passed ones?

The Hon'ble Mr. A. K. FAZLUL HUQ: 1. Under rule 4 (*1*) of the Muhammadan Registration Rules published by notification No. 620Regn., dated the 14th August, 1929, which governs the appointment of Quazis, there is no bar to candidates other than those who have passed the Final Madrassah Examination being appointed as Muhammadan Registrar and Quazis provided they possess sufficient knowledge of the Arabic language and Moslem Law of Marriage and Divorce, and are of good moral character, preference being given to local candidates.

2. At present when many young men are taking University degrees with Islamic studies as one of the subjects, there is no ground for restricting the appointment, to the Final Madrassah passed candidates.

3. For other reasons also, such restriction would not be desirable.

Sub-Registrar's Office within Burichang police-station in Tippera.

130. Mr. MAQBUL HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that there is no Sub-Registrar's Office within Burichang police-station in the district of Tippera?

(*b*) Is the Hon'ble Minister aware that the people of that thana are to suffer a good deal, both physically and financially, for going to Comilla or Kasba for the purpose of registration?

(*c*) Does the Hon'ble Minister consider it desirable to hold an immediate inquiry into the matter and for taking immediate steps for removing the difficulties of the people of Burichang thana, by establishing a Sub-Registry Office at a suitable place within the thana?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) It is known that some residents of this area have to undergo some inconvenience in having to go to Comilla or Kasba for the purpose of registration.

(*c*) The matter was enquired into and it was reported that the number of registrations from that area would not be sufficient to justify the expense involved in opening and maintaining a separate Sub-Registry Office. There are already 4 Sub-Registry Offices within the 3 police-stations of Comilla, Burichang and Kasba. There is, therefore, no serious ground for complaint.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state who are the persons entrusted with the enquiry?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say who are the officers entrusted with the enquiry but the enquiry was held under the direction of the Sub-Registrar.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to tell us the number of registrations at the Kasba Sub-Registry Office?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Patuakhali distress.

131. Maulvi RAJIBUDDIN TARAFDAR: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware of a piece of news published in *Azad* of the 5th instant that a girl named Asia Khatoon aged about 10 died recently on account of starvation in the village of Bansberia, under police-station Bauphal in the district of Bakarganj?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the steps taken to save the life of the girl and the hungry people of the locality?

(*c*) Is the Hon'ble Minister aware of such scarcity of food in any other part or parts of Bengal?

(*d*) Is it a fact that the people there have appealed to the Government many times for the redress of the grievances?

(*e*) If the answers to clauses (*a*), (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state the steps that have been taken up to date and the steps to be taken in future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Attention is invited to the reply given on the 4th September, 1937, to the short notice

starred question by Khan Bahadur Hashem Ali Khan on the very same matter.

Mr. ABDULLA-AL MAHMOOD: Is the Hon'ble Minister aware that since the last report was received by Government, most alarming reports about famine in that district are pouring in?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not my information, Sir.

Mr. MD. ABUL FAZL: Is it a fact that the nature of the distress is acute?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The latest information that we have received is that there is distress, but it is not of a very serious nature as yet, and Government are perfectly alive to the situation and are prepared to deal with it as the situation develops.

Mussalman and scheduled caste foresters in Bengal.

132. Mr. UPENDRANATH EDBAR: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state, separately, the number of Caste Hindu, Mussalman and scheduled caste foresters in the Province of Bengal?

(*b*) If the number of scheduled caste foresters are very small in the province, what steps are in contemplation of Government for increasing the number of scheduled caste foresters?

(*c*) Is it a fact that 50 per cent. of the candidates for Dehra Dun Forest Rangers' Course are taken from the outside Muhammadan, and the rest from the department itself?

(*d*) If the answer to clause (*c*) is in the affirmative what special steps does the Hon'ble Minister propose to take for selecting candidates from the scheduled castes for Dehra Dun Rangers Forest Course both from department and outside?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) A statement is laid on the table.

(*b*) Government is at present considering how a proper representation of various communities in the Subordinate Forest Services can be secured.

(*c*) Yes.

(*d*) The matter is under consideration.

Statement referred to in the answer to clause (a) of unstarred question No. 132, showing the number of Caste Hindu, Mussalman and scheduled caste foresters in the Province of Bengal.

	Permanent.	Temporary.
Caste Hindus	... 56	51
Mussalmans	... 23	27
Scheduled castes	... 5	4

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if there is any principle of appointment as between the caste Hindus, Muhammadans, and scheduled castes in the Forest Department?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I believe principle is that 10 per cent. of the posts is reserved for members of the scheduled castes. I have already given the number in my printed reply.

Mr. RASIK LAL BISWAS: With reference to answer (*d*), will the Hon'ble Minister be pleased to state when Government expect to come to a decision in this matter?

The Hon'ble Mr. PRASANNA DEB RAIKAT: As soon as possible, Sir. I cannot say definitely when.

Assessment of cess in Bogra.

133. Khan Bahadur MOHAMMED ALI: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that during the last revaluation the assessment of cess in the district of Bogra was based on the high price of commodities then prevalent;

(*ii*) that the assessment is higher than that prevalent in all other neighbouring districts; and

(*iii*) that there is abnormal fall in the price of commodities now?

(*b*) If the answers to (*a*) are in the affirmative, are Government prepared to take steps for giving immediate relief to the agriculturists?

(*c*) Will the Hon'ble Minister be also pleased to state the reasons for which it was not found possible for Government to accept the recommendation of the District Board of Bogra for fixing a lower rate of cess?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes, so far as lands held on produce rents were concerned. Other lands were assessed on their rental or letting value.

(*ii*) The assessment is not higher than in Pabna or any other district in which revaluation was made 6 to 10 years ago.

(*iii*) No, after a fall, prices are again moving upwards.

(*b*) No immediate relief under the Cess Act is possible till the working of the new system of assessment of cess which is now being tried in Jessore district is known.

(*c*) In 1935 and 1936 the District Board of Bogra proposed to reduce the rate of road cess to 4½ pies, but Government did not approve of the proposal on either occasion, because Government were satisfied that there was no real case for a reduction, and the cultivators were not likely to get the full benefit of any such reduction.

No similar proposal has been received in 1937.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state how Government came to the conclusion that there is no real case for reduction of cess-demand, when a representative body like the District Board recommended reduction?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government came to this decision on various facts. One of the facts considered being that cultivators, in whose interest reduction is claimed, would not get the benefit, and that the money would be appropriated by the landlords and there was no chance of the reduction actually reaching the cultivators. Besides, the amount is so small that my friend, who is a big landlord himself, should realize how difficult it is for him to check his own agents and compel them to give this small amount to the actual cultivators.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister aware that in the year 1934 reduction was given and the tenants got the benefit of that reduction?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope they did, but that is not usually the case.

Sluice at Tangra, 24-Parganas.

134. Mr. ANUKUL CHANDRA DAS: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) of a sluice at Tangra under police-station Kulpi, Diamond Harbour subdivision, 24-Parganas; and

(*ii*) that the sluice has become unworkable owing to formation of a *char* in the river in front of the sluice?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether there is a proposal for excavating an outfall channel straight to the river from the sluice; and

(*ii*) if so, when is it proposed to take up the scheme?

(*c*) If the answer to clause (*b*) (*i*) is in the negative, do the Government think it desirable to excavate the canal for the purpose of drainage of the locality?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) (*i*) Yes.

(*ii*) No. The sluice is in working condition and drainage is being done through it, although a *char* has formed on the north and west side of the present outfall channel just near its mouth.

(*b*) (*i*) Yes.

(*ii*) The matter is under investigation.

(*c*) Does not arise.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state since when the *char* has been forming?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice, Sir.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state since when the matter has been under investigation?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am afraid I cannot give the accurate date, but I find that, after taking over charge of my office, the investigation was going on before my time.

Mr. ANUKUL CHANDRA DAS: Is it not a fact that for the last 20 years agricultural operations have been hampered owing to the formation of this *char* and that Government have not taken any steps to mend the situation?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, I could not say for how many years this *char* has been causing trouble to cultivation in that locality, but, certainly, Government is considering to improve matters.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why there is a proposal for a direct connexion with the river from the sluice gate if the sluice is operating well, as he has stated in his reply No. (*a*) (*i*) and why public money is being wasted by an investigation into the question if the sluice gate is operating well?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not know, Sir, if I shall be able to explain the whole thing in my reply. Originally, this *char* was *jala*, and subsequently that channel was formed by the process of the formation of the *char*, and so the sluice was constructed. Now, the idea is to cut short the channel so that it might take a straighter and a quicker course to the river.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that an estimate was made about 20 years ago for the excavation of an outfall channel to the river Hooghly and that no attention has been given to that estimate?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have no information.

Mr. JASIMUDDIN AHMED: Will the Hon'ble Minister be pleased to state whether the Tanga *char* will be reclaimed?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I could not say that off-hand.

Detenu Paresh Chandra Dutt.

135. Mr. CHARU CHANDRA ROY: (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware that there are three latrines and one stable within 20 feet of the bedroom of detenu Paresh Chandra Dutt now detained in the Basail thana compound in the sub-division of Tangail?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government propose to take any action in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) I have decided to transfer the detenu to another place and to abandon the quarters.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether detenu Paresh Chandra Dutt should not be released?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, this does not arise out of the question.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state who selected this particular place from which removal has now been decided upon?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state as to how long the detenu has been in that place?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Release of political detenus unconditionally.

136. Maulvi MAFIZUDDIN CHAUDHURY: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether Government intend releasing all political detenus unconditionally?

The Hon'ble Khwaja Sir NAZIMUDDIN: The attention of the hon'ble member is invited to the statement which I made on this subject on the 9th August.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how many detenus have been released since he announced Government's policy in this matter on the floor of this House?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai HARENDRA NATH CHOUDHURY: May I rise on a point of order, Sir? This very question was put by me last evening to the Hon'ble the Home Minister, and it appears that even to-day when the same question is asked by Maulvi Abdul Bari he is not prepared with an answer.

Mr. SPEAKER: I am helpless. You will have to wait for an answer in the ordinary course.

Rai HARENDRA NATH CHOUDHURY: My point is this, Sir. I asked the Hon'ble the Home Minister this very question yesterday; what steps have been taken by Government for the release of detenus since the announcement of the policy of Government on the 9th of August last, and the Hon'ble the Home Minister asked for notice then. Now that very question has been asked by Mr. Bari to-day just now, and still the Hon'ble Minister ask for notice.

The Hon'ble Khwaja Sir NAZIMUDDIN: I don't see why I should not. I have not got the figures with me. I have not been able to obtain them in time.

Hawkers in Calcutta footpaths.

137. Mr. J. N. GUPTA: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware of the obstruction of public passages in Calcutta by the hawkers who sell articles on the footpaths?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of taking steps to stop the practice?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Police are empowered to take action in cases of such obstruction and arrests are made daily of hawkers and others who obstruct the public thoroughfares in Calcutta.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that the police of Calcutta do not exercise supervision over these hawkers as they ought to?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Calcutta police accept illegal gratification from these hawkers and allow them to carry on their business on the street footpaths?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I am not aware.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that the hawker sub-inspectors appointed by the Licensing Department of the Calcutta Corporation daily reports that on account of police interference they are not able to realize the licence-fees due to the Calcutta Corporation from these hawkers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it, and no complaint has been made to us by the Calcutta Corporation.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the average number of daily arrests in the streets of Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got the figures with me here, but I am afraid it is a very large number.

Village internment of detenus.

138. Mr. MANORANJAN BANNERJEE: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether he is aware that detenus do not like internment in village?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of any general aversion to village internment on the part of detenus.

Rai HARENDRA NATH CHOUDHURY: Is the Hon'ble Minister aware that Mr. J. N. Sen recently made a representation objecting to village internment?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be so, but I am not aware of it.

Mr. MANORANJAN BANNERJEE: Is the Hon'ble Minister aware that in selecting places for internment generally unhealthy places are selected?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, that is never done.

Mr. B. MUKHERJEE: (Asked a supplementary question in Bengali.) Is the Hon'ble Minister aware that allowance given to a detenu in a detention camp is much less than that given to a detenu while in home internment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid, Sir, the hon'ble member is not correct about his facts.

The post of the Revenue Sheristadar of Bogra.

139. Mr. A. M. ABDUL HAMID: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state when the post of the Revenue Sheristadar of Bogra was last filled up?

(*b*) Who was the District Magistrate at the time of such appointment?

(*c*) Why was the said District Magistrate not allowed to appoint th new incumbent?

(*d*) If the District Magistrate is the authority to make such appoin ments, why did the Board of Revenue make the appointment at Bogra

(*e*) When were the posts of Revenue Sheristadar at (*i*) Malda an (*ii*) Jalpaiguri filled up and by whom?

(*f*) Is it a fact that the Board of Revenue made the appointment c Revenue Sheristadar at Bogra on the ground that no qualified man wa available in the Rajshahi Division from amongst the ministerial officers

(*g*) Were not these men serving in the Rajshahi Division at th time of appointment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) February 1936.

(*b*) Mr. T. I. M. Nurannabi Chowdhury, I.C.S.

(*c*) Because no one in the district was found suitable.

(*d*) Since the decision of Government that Sheristadars should no ordinarily be retained in a district for more than 5 years, the Distric Magistrates are no longer the sole appointing authority.

(*e*) (*i*) Sheristadar of Jalpaiguri—by the Commissioner, Rajshah Division; and (*ii*) Sheristadar of Malda—by the Collector of Malda.

(*f*) No; but because better candidates were available in othe Divisions.

(*g*) The purport of this question is not clear.

Mr. A. M. ABDUL HAMID: With reference to answer (*e*), may I point out to the Hon'ble Minister that no answer has been vouchsafed to the word "when" in my question (*a*)(*e*), *i.e.*, as to the date when the posts were filled up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The post of revenue sheristadar of Jalpaiguri was filled up by the Commissioner of the Rajshahi Division in November, 1935, and that of Malda was filled up by the Collector of Malda in September, 1935.

Promotion of sub-inspectors of police to the rank of inspectors.

140. Maulvi AFTAB HOSAIN JOARDAR: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay a statement on the table showing, year by year, for the last 10 years—

(*i*) the number of sub-inspectors of police that were promoted to the rank of inspector; and

(*ii*) the number of them that were Muhammadans?

(*b*) Will the Hon'ble Minister be pleased to state whether there is any bar to the recruitment of Executive Police Officers from the clerks employed in that department?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any such recruitment was made during the last 10 years?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) No.

(*c*) There has been no such recruitment in the Calcutta Police. Information regarding the Bengal Police where there were few such appointments is not readily available.

Statement referred to in the answer to clause (a) of unstarred question No. 140 showing the number of sub-inspectors of police that were promoted to the rank of inspector and the number that were Muhammadans.

	1927.	1928.	1929.	1930.	1931.	1932.	1933.	1934.	1935.	1936.
Bengal Police.										
Total number of sub-inspectors promoted to the rank of inspector.	23	36	21	22	26	14	3	17	12	28
Number of Muhammadans so promoted.	5	7	6	3	9	4	..	6	4	11
Calcutta Police.										
Total number of sub-inspectors promoted to the rank of inspector.	..	2	2	..	2	6	4	..	7	5
Number of Muhammadans so promoted.	..	1	..	..	..	1	..	..	2	2

Prisoners and detenus with higher education.

141. Mr. SURENDRA MOHAN MAITRA: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to

state the number and the names of the political prisoners and detenus with higher education either as Lawyers or Doctors, or Engineers before their arrest?

(*b*) Will the Hon'ble Minister be also pleased to state—

(*i*) the period of detention of each; and

(*ii*) the reason for not releasing them immediately with sufficient allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) (*i*) The information desired by the hon'ble member cannot be collected without an undue expenditure of time and labour which Government regret they are unable to undertake.

(*ii*) Detenus are going to be released according to the policy announced in the House on the August 9th.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state when are the detenus going to be released in accordance with the policy announced on the 9th of August last?

The Hon'ble Khwaja Sir NAZIMUDDIN: Orders of release are being passed, and some of the detenus have been released already.

Mr. NIHARENDU DUTTA MAZUMDAR: Can the Hon'ble Minister give us some idea as to the date by which he expects that all the detenus will be released in accordance with his policy?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not possible to give an exact date, Sir.

Permanent clerks in the Murshidabad Collectorate.

142. Mr. KIRIT BHUSAN DAS: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the total number of permanent clerks (showing separately the number of Hindus and Mussalmans) in the Murshidabad Collectorate;

(*ii*) the number of temporary clerks; and

(*iii*) how many of the Hindus belonging to the scheduled castes (showing separately the number of permanent and temporary clerks)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is laid on the table.

Statement referred to in the answer to unstarred question No. 142 relating to the number of clerks in the Murshidabad Collectorate.

Permanent clerks.		Temporary clerks.		Members of scheduled castes including minority communities.	
Hindus.	Muslims.	Hindus.	Muslims.	Permanent.	Temporary.
60	35	15	8	4	1

Mr. MONMOHAN DAS: Does the Hon'ble Minister think it justifiable that out of 95 permanent appointments only 4 have gone to members of the scheduled castes and that out of 23 temporary posts only 1 has gone to them?

Mr. SPEAKER: Whether it is justifiable or not is a matter of opinion. I want to know whether you have a supplementary question to put.

Rates of rent per acre of certain land.

143. Khan Sahib HAMIUDDIN AHMAD: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the average respective rates of rent per acre of—

(*i*) homestead land; and

(*ii*) arable land payable by the tenants—

(1) under khas mahal, and

(2) under private landlords or *nikhli* within Kishoreganj subdivision of district Mymensingh?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government thinks it desirable to reduce the rate of rent of the tenants under Government khas mahal to bring that up to the level of the rate under private landlords.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*)—

	Under khas mahal.		Under private landlords of Nikhli.	
	Rs.	a.	Rs.	a.
(*i*)	18	12	18	15
(*ii*)	3	3	4	12

(*b*) Does not arise.

Circular by the Deputy Inspector-General of Police, Presidency Range, for the post of constable.

144. Maulvi ABDUL BARI: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that a circular has been issued by the Deputy Inspector-General of Police, Presidency Range, directing that candidates for the post of constables should not be enrolled in the district to which they belong?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons?

(*c*) Are the Government considering the desirability of issuing instructions to follow the previous rules of enrolment of candidates from each district?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I am aware of the order in question which was issued by the Inspector-General of Police and not by the Deputy Inspector-General of Police, Presidency Range, as stated in the question. A copy of the order is laid on the Library table for the information of the hon'ble members.

(*b*) Experience shows that it is undesirable from the administrative point of view to employ men in their home districts where they have relatives and vested interests.

(*c*) No.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (*b*), is it not possible to enrol a constable in his home district and then transfer him to another district?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that will be convenient.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that in the neighbouring districts also one may have friends and relatives?

The Hon'ble Khwaja Sir NAZIMUDDIN: But it is a question of degree.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether it is not very difficult for poor men to go to other districts for purposes of enrolment, as it involves expense?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the men will be examined in their own districts, and a list will be made out that these

men are suitable for recruitment and that list will be circulated to all other districts. So, the question of further examination does not arise. The man gets the appointment and he goes there to join his post.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if after enlistment in their own districts the candidates will have to go to other districts for the purpose of selection and appointment?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, they will be put on the selected list as suitable for appointment, and when vacancies occur in other districts they will get appointments.

GOVERNMENT BILL.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. SPEAKER: We shall now go on with the debate on the Select Committee motions relating to the Bengal Tenancy (Amendment) Bill, 1937.

Mr. NIHARENDU DUTTA MAZUMDAR: Before you take up the formal business of the day, Sir, may I rise to make a submission? It is this, that instead of questions for the day being circulated half an hour before the Assembly meets, arrangements may be made for the supply of the Order Paper on the previous day some time before the sitting ends. Under the present arrangement it is impossible for us to go through the questions thoroughly so as to be able to deal with them properly on the floor of the House.

Mr. SPEAKER: I have taken note of your suggestion, and I shall have it examined. This is a matter which relates to the Standing Rules and Orders, and I will place this matter before the Committee.

Babu NAGENDRA NATH SEN: I submit, Sir, that the Hon'ble the Revenue Minister has introduced the Bill himself as a party man and that the Hon'ble the Chief Minister has publicly announced here that the Bill has to be rushed through somehow or other. In these circumstances will you be kind enough to consider that you will not be guided by their advice but will yourself determine whether any amendment is necessary?

Mr. SPEAKER: I want to make it clear that while I shall receive the advice of Government members or of any member who wants to bring the question of admissibility to my notice but I shall decide the issue entirely at my own discretion. Before I proceed further may I

request the Revenue Minister and the Chief Minister as also the leaders of the various groups to consider whether it would not be desirable to have some night sittings from Monday next with a view to expedite the business of the House——

(At this stage there were noise and whispers in every part of the Chamber.)

Mr. SPEAKER: Order, order. I think it would be very difficult to conduct the business of the House in the midst of so much noise. What I want to say is that it is for the leaders of the different groups to consider whether we cannot sit a little longer after dinner time. That is a matter for you to consider.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, in Bengal people might think that I am out of court in expressing any views on this very important and complicated subject before this House. But, Sir, points have been raised and arguments brought before us which, under certain conditions presented as they are as a sort of a blunderbuss and a threat, go directly against the position, status and the very existence of this House. It is for this reason that I thought an intervention on my part would perhaps not be unjustified. Before I begin, Sir, I should like to draw the attention of my fellow members in this House through you Sir, to the message sent by His Excellency the Governor to you in which he has clarified the position so far as the introduction of this Bill into this House is concerned. Whether we send it round for circulation, whether we appoint a Select Committee or whether the House itself sits in judgment upon it, is quite different from the position whether in the judgment of His Excellency who must have obtained advice from the law officers of the Crown, this Bill does or does not interfere with the rights either of the owners or of the cultivators. I take it that His Excellency is satisfied that there is nothing in the law that can debar this House from dealing with this Bill as it chooses. You, Sir, have been given a *carte blanche.* The second point, Sir, is one where I have been deeply impressed by the attitude of the Hon'ble Minister in charge of the Revenue Department. He represents the Landholders Constituency in Bengal and it did require of him an amount of courage, an amount of idealism and an amount of sympathy for the people of the province to have come out so boldly to advocate their cause. He has taken up the responsibility of piloting the Bill through the House which would go against his own interests. That at least should have convinced the House that there is a reality, there is something more important than pure selfishness behind the introduction of this Bill. It has also been said, Sir, that the Government changed its mind suddenly. Instead of submitting the Bill to the Select Committee they had themselves proposed or of agreeing to its being circulated, it is now being rushed through at a

tremendous pace. Motives have been attributed and it has been mentioned that perhaps the idea behind this hurry is to create a situation for the next election. I am afraid my colleagues in this House who think on these lines are slightly mistaken. This problem of the rights of the peasants of Bengal has been thought over, has been considered and judgment given upon it not only by all classes of the people of Bengal but by economists of repute, by experts in land revenue law and land revenue administration and there is a unanimity of opinion that the under-dog is not being treated well and his day has come. We do not want to rush the Bill through, at least the Government does not, but I do think the argument that more time is wanted has no legs to stand upon. We have taken decades almost a century over it. This Bill is only an earnest of what is coming later on as desired by every Indian group in this House. It is nothing—it is only a beginning—much greater problems are going to be discussed by us. The Muslim League, the Praja, the Congress, and, I might even say, every other section of this House stands committed. We have got to do something. An immediate relief has to be found for the cultivator, therefore, the argument that this Bill is being rushed through and must be squashed, savours of the putting of a few heads together with a view, somehow or the other, to condemn it, to nip it in the bud almost with threats. Bengal has spoken with one voice. This House is Bengal in minature. If we believe in the rule of majority then a decision of this House, assembled in full Parliament and a decision by its majority must be listened to with attention by the highest in the land and outside. I suggest, Sir, that the insinuations made by interested parties that things are being rushed through with motives which are miles away from the real intentions of those who want to do something for the poor cultivators be given up. There is no propaganda, there is no vote-catching device but a genuine sympathy for those on whose votes most of us have come here and to whom we gave a definite promise that certain remedies for their ills will be found immediately and also a promise of bigger remedies later on. Sir, as I have said, the danger of nipping this effort in the bud, pushing it aside and making it stillborn is not a suspicion or an invention of my own brain. I am sorry I have to bring in the name of the Hon'ble Minister-in-charge also in this connection. They have misused the words "minority community". It is not only a terminological inexactitude but, if I may be allowed to say so, it is a deliberate mischief. There is something in this use of it which is not current in our political parlance and state documents right from those of the Parliament down to those of every province in India, have given a special and a particular meaning to the word "minority community". Minority communities in India are established on a religious basis. Interests, economic or otherwise, do not and cannot come under that category. My suspicion, therefore, that it is used with the set purpose of dragging the Viceroy and the Governor into the controversy seems to be fully justified. The new

interpretation, which is being given to this term here to-day does savour not of genuine opposition to this Bill but of ulterior motives of torpedoing it later on. In fact a new significance is being imported into it. Zamindars, commercial magnates or industrialists, cannot demand that they be called minority communities. I do not think that such a meaning is justified. Otherwise any five members of this House will join together as legislators, call themselves a minority community and then ask the Viceroy to defend it under his Instrument of Instructions. It is not right. Another point brought into the argument was expropriation with compensation and without compensation. The effort here seems to be that this first attempt on the part of the Government should be painted red with the most modern technique, the insinuation being that there is a communistic intention behind it and that the Government has succumbed, surrendered, gone down on its knees before a section of the Coalition Group which wants to carry it through at any cost. If there is expropriation, I personally feel that it occurred long ago. Justice has been asked for and it shall be given to the men who have been expropriated. The landlords might have helped the English with their money to defeat Tippu Sultan and the zamindars might have established the rule of the East India Company in this province with their tributes but the time has now come when the son of the soil demands his rights and it will be a wiser course on the part of those who own lands to come out generously and in a spirit of camaraderie to help those who help them to keep up their dignity and their position. If this small preliminary effort on the part of Government means expropriation, the heavens are not going to fall on us nor is Bengal going to go red. I am surprised how they welcomed the change in the Tenancy Act, in 1928. If there was no expropriation then, why give this Bill a bad name now and kick it? In 1928, the peasants perhaps got a bit of justice and we now want to go a step further. Government, and those who stand behind it and also those who usually oppose it, have decided in their wisdom or by whatever name you call their decision, that the time has come when, in spite of the clauses in the Government of India Act, which none of us welcomed and notwithstanding the Instruments of Instructions, an effort must be made to unsettle the settled policy. Government, through its Chief, have informed us and stand committed that a Commission of Experts is going to be appointed, not to discuss the minor points included in this Bill but, with courage and fortitude, to go ahead and unsettle the Permanent Settlement. Therefore, it will be wise for us at this stage to put our heads together and see how we can stop the injustices under which the cultivator is suffering and why Bengal is still so different from the other provinces of India and how she can be brought into line with them. The Federation is coming and so far as is possible there should be unity of principle behind the administration of federated India. There may be provincial autonomy but the federation must demand a common factor on which it may base its policy with a

perspective such as will do equal justice to the large and small provinces. I strongly believe that the time has come when we should allow this preliminary effort to go through. It will teach us how to arrange the ring and get ready for the star turn that must come within the lifetime of this House.

Mr. SPEAKER: I think it would be convenient at this stage if I called upon the Hon'ble mover to proceed with the Select Committee motion because we are so anxious to proceed with the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think the motion for Select Committee was under discussion.

Mr. J. W. CHIPPENDALE: I have got a motion for reference of the Bill to a Select Committee.

Rai HARENDRA NATH CHOUDHURY: Sir, he should be allowed to move it formally.

Mr. SPEAKER: He moved it yesterday.

Mr. J. W. CHIPPENDALE: Nobody in this House can accuse me of being an interested person so far as this Bill is concerned but three points are perfectly clear to my own mind: (1) that this is an important Bill and a very difficult piece of legislation, (2) that it is being rushed through and (3) that any measure that is rushed through cannot produce any good result. I am not here to obstruct or delay this Bill in any manner whatsoever. I am here to point out that the best way to settle this important matter is to send it to a Select Committee and without a Select Committee you cannot settle such a thing on the floor of the House. The first and the foremost reason for my saying so is that you can get expert evidence there and secondly, you can have representation of special interests and the matter can best be decided in that way. This is the reason why I am moving that the Bill be sent to a select committee.

We have waited so long what does it matter if we have to wait for another month or a month and a half? Nothing will be lost but a great deal will be gained. People who have analysed the Bill must see these two elements in it; one is the divesting of rights and the second is that facilities are being given for evading payments of rent.

Other speakers have spoken about the landlords' fees and pre-emption, and that landlords are getting interest on arrears of rent and that although the landlords pay 12½ per cent., their tenants are to pay 6¼ per cent. only. I do not want to touch upon those things but there are two other points which I desire you to consider. I see, that in

the first place this Bill seeks to introduce, two courts, two tribunals; one for the landlords and the other for the tenants. This I take to be a mischievous provision. If a man requires a piece of land for a religious purpose we have to ask the question whether he is a landlord or a tenant. If he be a landlord he will have to go to the civil court, and if he be a tenant he will have to go to the Revenue Officer. Here you will see that you are introducing two different situations. The Civil Court has a body of legal principles which it will apply to all cases and what principle do you expect the Revenue Officer to apply? Why is this distinction sought to be made between a landlord and a tenant? Why are two different tribunals set up for the same purpose, namely, the acquiring of a piece of land for religious purposes?

The second important matter that I want the house to consider is this: Before we take away the power of the certificate procedure it is imperative that you should repeal the permanent settlement. The roots of the relation between the landlord and the tenant go beyond the Permanent Settlement and are found in the instructions of Lord Cornwallis which he received from parliament and the Court of Directors. The underlying principle of the Permanent Settlement is "promptness of payment." What the landlord has to pay to Government he must pay on a fixed date and if he does not do so his estate will be brought to sale under the Sunset Law. The landlord has to pay promptly and how is he going to make his payments promptly if he cannot realise his rents also promptly. The Government has given the landlord certain facilities to collect his rents. If you turn to the Act you will find that the certificate procedure itself is circumscribed and restricted in its operation. The landlord cannot do as he likes but he has to abide by certain terms and conditions; it is therefore a very restricted and a qualified right and yet you are going to take away that right also from him. How do you then expect him, in his turn, to fulfil his obligations to Government? The Permanent Settlement must be done away with first, and thereafter, you can do what you like with the landlord and not till then.

I feel that this is a hasty piece of legislation and also that it is fraught with very great danger. It may, I fear, lead to agrarian trouble. This bill has therefore to be well and carefully considered. We see further that this is a Government measure and in a Government measure every question ought to be dispassionately and quietly looked into and given the best possible consideration. I move, therefore, that this Bill be referred to a Select Committee.

Mr. TULSI CHANDRA GOSWAMI: I cannot help feeling sympathy for the Hon'ble the Revenue Minister who had to pilot or rather who has to pilot the Bengal Tenancy (Amendment) Bill, 1937. He confessed that on certain points he did not agree with the Bill. He also said that the supporters of the Government expected from the

Ministers redemption of election pledges made by the Hon'ble Mr. Fazlul Huq, the Chief Minister, and others: that was no news to us. But the confession made by the Hon'ble Mr. Fazlul Huq—and confession is good for the soul—that he has been hurried through this measure by impulsions from outside, from his followers outside the House in order that he might appear to his electorate to have redeemed his election pledges. Our promising Minister who is called the Chief Minister, the Hon'ble Mr. Fazlul Huq, is very generous in his promises and assuarances. During the last few weeks he has given to this House more assurances than I have been able to count, and again the assurances given to the various people outside during his election tours it would be difficult even for a divine calculator to estimate.

The Hon'ble Maulvi A. K. FAZLUL HUQ: Wait and see.

Mr. TULSI CHANDRA GOSWAMI: Sir, I am reminded of a story of the great poet Hafiz who in a fit of generosity gave away his King's most beautiful provinces, Samurkhand and Bokhara, and on the next day when he was brought before the King in chains Hafiz pleaded "this is the result of my generosity." I am afraid, Sir, when the term of my honourable friend the Chief Minister expires he will find himself arrainged before the public for not having fulfilled his pledges, because there have been too many rather generous promises. He has tried, I will not say, to deceive the people but, at any rate, to be content with a similitude of redemption of promises.

I consider this Bill as a very dishonest measure. I will tell you why. This is supposed to give rights to the tillers of the soil. It does nothing of the kind. From first to last it gives additional rights to persons who possess already more rights than the zemindars. The occupancy raiyat is a porpertied person. There is hardly anything here about the under-raiyat who is at the mercy of the occupancy raiyat. What has happened in Bengal as a result of the last Bengal Tenancy Act. I know, it is within my experience, it is within my zemindari. The whole mouzas which contain hundreds of raiyats are now ruled by 5 or 6 men who hold the other raiyats practically as wage slaves. This is a fact and now that you are giving enormous rights to the occupancy raiyats you are creating another propertied class. You may call them petit bourgeois, you may call them Kulaks, but they are just as oppressive as any landlords have ever been. And it is a fact not only this country but in all countries that it is the small landlords, and I say that the jotedars and occupancy raiyats are the landlords, who are most tenacious of their rights and are most eager to exact every penny they can from helpless under-raiyats. I ventured to say yesterday while the Revenue Minister was speaking that nothing had been given to the under-raiyat. There is a provision, I think clause 21 of the Bill, which gives the under-raiyat only that portion of the right to the occupancy tenant which enables him to commit

suicide namely by subdivision of his tenants. I am not going into the merits of the Bill but I am astonished to find that the Hon'ble Members for some of whose opinion I have the greatest respect should say that the matter is a foregone conclusion, that judgment has been delivered on matters which are the subject of this proposed enactment. Remember this that a Bill which seeks to amend the most complicated piece of legislation in India must be drafted even from the legislative point of view with care, with due regard to juristic principles and I fail to see how in a house of 250 members it is possible dispassionately, quite apart from rights and other political considerations, to frame an amending Bill properly which would fit in with the old Act and not give rise to endless litigation. It is well known that since 1929 litigation in respect of land has increased very much. This Bill gives additional premium to the local mofussil pleaders and lawyers, it gives additional scope to touts and they are the ruin of the tenantry. I know of thousands of cases in my own zemindari alone where tenants have been ill advised, have gone in for litigation and come to us not only with all the dues but with compensation for the cost and begging for a *solenama*. This is the state of things that has been created by hastly legislation. I could understand if there was a crying grievance which ought to be redressed, which indeed called for redress, that a hasty piece of legislation was necessary. But there is nothing in this Bill to show any such urgency. Long before this Government came into existence, 12 or 13 years ago, I first mooted the question not before popular audiences in order to win popular applause but to the Landholders Association urging the necessity of enquiring into the entire land system of Bengal which I thought had grown up in a haphazard manner. I am not speaking here in the interest of my zemindari; accident of birth and the law of inheritance have placed me in the category of zemindars but I want to see in Bengal established a true agrarian system, a system of agriculture and a system by which the agriculturist has his full rights and not this tinkering Bill. (The Hon'ble Mr. A. K. FAZLUL HUQ: Not so long as you remain.) Mr. Fazlul Huq will wait for the remainder of my speech and I shall answer him. This Bill is really a piece of deceipt because it is going to benefit most of the supporters of Mr. Fazlul Huq who are in office. You are not doing anything for the man who is nearest the soil and I think if you go into the measure more carefully and introduce amendments—I say even within the scope of this Bill—you can introduce clauses which would to some extent reach the man nearest the soil and it is on this account that I support the motion for reference to a Select Committee, because at any rate in the Select Committee you will have a chance of examining the provisions and of introducing further improvements which would reach the tiller of the soil. As it is what does it amount to? After the session the Ministers will go back to their constituencies and say "look here my dear fellows, this is the thing that we have given to you". They will not understand what this really means.

Mr. SASANKA SEKHAR SANYAL: Will the member make himself clear that he is speaking for himself and not for his party.

Mr. TULSI CHANDRA GOSWAMI: I am speaking not only for myself but on behalf of common sense and reason. (A VOICE: Not for the party.) I am speaking to-day because I feel that it is my responsibility to see as far as possible that a Bill of this kind is not introduced which does not give rights to the under-raiyat and I venture to prophesy one thing. Reference has been made to my zemindari even by members of my party. I venture to prophesy one thing and I am confident that this prophecy will be fulfilled within the lifetime of many of us present here, and it is this that many of those who are classed as zemindars will become men who probably will be described by some as *noblesse deprécé*, by others treated with suspicion but who will be probably instruments of great power in establishing the rural economy of Bengal for the benefit of the peasantry. I once said long ago to a body of landholders, "let our thoughts not dwell on our past glories; if there is now to be a sunset let it be a sunset blazing with the glory of service and sacrifice in the interest of the motherland" and having stated the usual arguments in favour of landlordism namely, their contributions to public works, I cited instances, but this cannot justify, far less secure, the continuance of a system which goes out of date by reason of the fact that it ceases to conform to changing order. Also I said, and this was long ago "let me tell you clearly that I do not regard the permanent settlement or any other settlement as sacrosanct". It is not my intention to ask the House to assent to the perpetuation of the permanent settlement or of the zemindari system. It is my intention here to fix your attention on the great problem of agriculture in Bengal and to see that the true agriculturist has his rightful place in the scheme of agrarian system in Bengal. This Bill does nothing of the kind. If by going to a Select Committee we could improve it to some extent we would be very happy to do so but I am afraid the scope of the Bill is extremely limited. I know the Hon'ble Mr. Fazlul Huq has the power of number behind him. I was just thinking this morning of some lines of Shakespeare in "Measure for Measure"—"Man, proud man drest in alittle brief authority" that is what Isabella says, and before that she says "O, it is excellent to have a giant's strength, but it is tyrannous to use it like a giant."

Please do not do so, please treat them rationally.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Speaker, Sir, I have tried to follow very carefully the eloquent speech of the speaker who has just sat down. Sir, I have nothing but respect for his political opinion, but at the same time I must submit that nobody has any right to distort facts. I did not suggest yesterday that this Bill was introduced by Government only in fulfilment of the pledges

given by the Hon'ble Mr. Fazlul Huq or his party to the electorate. What I said was this, and I think I was perfectly clear in my language, that the Congress, the non-Congress Hindus, the Mussalmans, the scheduled castes and even those who are returned from the special electorates had one object in view, namely amelioration of the condition of the masses of Bengal and this Bill is nothing but a prelude to the fulfilment of that great pledge, the pledge that was given by all unanimously. Sir, Mr. Goswami characterised my Bill as a dishonest measure, as a great deceit. Sir, I would respectfully draw his attention to certain clauses of the Bill and would leave it to the House to judge for itself whether that appellation is at all applicable to this measure or not. Sir, first of all I would draw attention to clause 4 of the Bill. What is there? The proposal is that the landlords' transfer fee and right of pre-emption should be done away with. Landlords' transfer fee is now leviable on the transfer of occupancy holdings. So can it be denied that the money really comes out of the pocket of the poor occupancy raiyat? Sir, it is not correct to assume that in every case the occupancy raiyat is a rent receiver. In a very small percentage of cases he is a rent receiver; in majority of the cases he is nothing but tiller. So the clause definitely benefits the tiller of the soil. Is there any justification for that remark of Mr. Goswami that this measure is "a piece of deceit" and is a dishonest measure and that it does not benefit the tiller of the soil? Here is a clause which directly and undoubtedly benefits the tillers of the soil, it gives him relief to the extent of 20 per cent: it increases the credit of the cultivator by 20 per cent.

Sir, the next provision, I would draw attention to, is clause 6 of the Bill relating to usufructuary mortgage. What is that proposal? The mortgagee's debt will be considered liquidated in 15 years' time. I know of instances where the debt was not liquidated in 30, 40 or 50 years; until the debt is liquidated the poor man's land is held in mortgage. The man who places his land in mortgage is certainly a poor man. This provision will remove one of the grossest injustices that have not been perpetrated on the face of the earth.

Sir, I would now draw attention of hon'ble members to clause 8 and 13. In clause 8, there is a proposal for giving the under-raiyat, for whom the hon'ble Mr. Goswami has so much sympathy, the rights of an occupancy raiyat. So, is it not really in the interests of the under-raiyat a tiller of the soil, and who is more a tiller of the soil than an under-raiyat?

Sir, I would ask the House to consider that mere mellifluence of language does not always make good arguments. Mr. Goswami's speech was undoubtedly couched in his usual mellifluous language, but I do not think that there was an ounce of logic behind it. The fittest reply has been given by an interruption made by a member of his own

party. I am fully convinced, and I am sure that this House also thinks, that a reply has been given by that interruption to which there was no repudiation. It shows that the members on the opposite benches are really convinced that this Bill is really meant for the benefit of the cultivators.

Mr. SASANKA SEKHAR SANYAL: Sir, when I interrupted I said that we did not agree to the reference of the Bill to Select Committee.

Mr. SARAT CHANDRA BOSE: Sir, I entirely repudiate the suggestion that we on the side of the House believe that this Bill is meant for the actual benefit of the cultivators.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I challenge the Leader of the Opposition to go against any of the principal clauses of my Bill.

Mr. SARAT CHANDRA BOSE: The Bill falls far short of what is necessary.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, if Mr. Bose is really convinced that the Bill is not in the interests of the cultivators, then it is up to him to act according to his conviction and to oppose it.

Mr. SARAT CHANDRA BOSE: Sir, have I ever suggested that I am going to oppose the Bill? We shall consider it clause by clause.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I challenge him to oppose it. His Deputy Leader has characterised the Bill as a "piece of deceit." I say it is merely a prelude of bigger measures that are to follow.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, is this melo-drama necessary to dissuade the members of this side of the House from the path of duty?

(At this stage the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, cried "Stop, stop".)

Mr. JOGESH CHANDRA GUPTA: Sir is the Hon'ble Nawab Bahadur justified in usurping the position of the Speaker and asking a member to stop?

Mr. SPEAKER: I think the matter of maintaining order entirely rests with the Speaker.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I shall now leave Mr. Goswami alone and try to reply to the arguments advanced generally in support of reference of the Bill to Select Committee. As I had occasion to state yesterday, the main provisions of this Bill had been before the public during the last 6 or 7 years; and no useful purpose would therefore be served by referring this Bill to Select Committee. Government had also sufficient time to consider the provisions of the Bill. It is not a piece of hasty legislation, as some of the hon'ble members have tried to characterise it.. The number of amendments that have been put in shows that even if this Bill be referred to Select Committee there is not much chance of unanimity. It will be a mere waste of time. This Bill can be considered more properly on the floor of the House. Government thought at the beginning that the Bill should be referred to Select Committee; then by consulting informally some of the different groups they came to the conclusion that reference of this Bill to Select Committee would lead to nothing but greater confusion. With these few words I oppose the motion of reference of the Bill to Select Committee. Before I sit down I repeat my challenge to the Leader of the Opposition and to his party to oppose the principal provisions of the Bill (Hear: hear).

Mr. SARAT CHANDRA BOSE: Sir, I desire to say a few words in reply to the challenge thrown out by the Revenue Minister. Sir, I am not concerned in the least with these mock challenges thrown out by the Revenue Minister. (The Hon'ble Sir BIJOY PRASAD SINGH ROY: A real challenge.)

If a real challenge is thrown out on the merits of the measure, as to whether it is for the benefit of the tillers of the soil, I and my party will accept that challenge. I rise to remove a misapprehension which, I understand, has been created in the minds of some members and, I take it, it is a *bona fide* misapprehension, by the speech of the Deputy Leader of my party, who said that the motion for the Select Committee found favour with him. Mr. Goswami was entirely right, and I desire to explain that when the Government gave notice of their motion for the appointment of a Select Committee, I and my party thought that a Select Committee was necessary having regard to the nature of the Bill. But on behalf of my party I wrote to the Revenue Minister stressing two points. Firstly, that I and my party could not agree to support a Select Committee consisting of as many as 34 members, because in our opinion it would be a huge and unjustifiable waste of public money to have a Select Committee of 34.

Sir, the second point was that we could not support a Select Committee which ignored a particular group of the Proja Party sitting here. Not a single member had been taken from that party.

We still think and the Deputy Leader of my party was right in thinking that a measure of this sort ought to have been taken to the Select Committee as was originally proposed by Government. But when the Government withdrew their proposal, we also had no option but to withdraw our support to it. In fact, we had to withdrew our support before Government withdrew their proposal for the reasons I have mentioned; and although we feel that a legislation of this nature ought to have gone to a Select Committee, we are not prepared to delay the passing of this measure by one single minute. We still think that the provisions of this Act ought to have been considered and thrashed out before a Select Committee. (The Hon'ble Mr. NALINI RANJAN SARKER: Because the provisions are so good.) I hear a remark made by the Finance Minister that because the provisions are so good we do not want to delay the passing of this Bill. He had better wait until he hears what the members of my party have to say. My party will bring forward amendments which will be definite improvements on the existing provisions. I would challenge the Finance Minister and the Revenue Minister to point out a single provision in the Bill which would benefit the actual tillers of the soil. It is from that point of view that we shall examine the provisions of the Bill and we shall put forward amendments in order to improve the lot of the tillers of the soil. It will be for the House to consider whether they should accept our amendments or not.

Mr. SPEAKER: I am very sorry that Mr. Bose has added a counter-challenge in his reply to the challenge and in view of that I think it is only fair that I should allow the Hon'ble Revenue Minister to speak for a minute. I hope, however, that the Hon'ble Revenue Minister will not again throw out a counter-challenge.

Kumar SHIB SHEKHARESWAR ROY: Sir, I rise on a point of order. Can the Revenue Minister speak twice on the motion?

Mr. SPEAKER: Perhaps the Kumar Saheb heard what I said: that in view of the fact that a statement had been made by Hon'ble Sir Bijoy Prasad in giving a challenge to an important group, I felt it was only fair that I should allow Mr. Bose to reply. Mr. Bose has, however, thrown out another counter-challenge and in view of that I think I should allow the Hon'ble Sir Bijoy Prasad to reply to that counter-challenge. I think the Kumar Saheb knows perfectly well that it is entirely within the discretion of the Speaker to ask anybody to speak at any time he likes. I shall now call upon the Hon'ble

Revenue Minister to speak; but as I have already said, I hope he will not throw out another counter-challenge.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I very clearly explained which of the provisions of the Bill are really in the interests of the tillers of soil and I shall wait for further elucidation of the counter-challenge by the Leader of the opposition and the members of the Congress party.

As regards the Select Committee being unweildy, I may mention that when I made the proposal of referring this Bill to a Select Committee, I asked for names from the Congress party. On the basis that the number of members of the Select Committee was going to be 30, the number to which the Congress party in view of its strength here was entitled was 7. (A voice: The number originally proposed was 28.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Jogesh Chandra Gupta, the whip of the Congress party, did agree to send in 7 names on the distinct understanding that the number was going to be 30, and not 28.

Mr. JOGESH CHANDRA GUPTA: The number was 28 and one-fourth of that is 7.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I explain——

Kumar SHIB SHEKHARESWAR ROY: On a point of order, Sir. Will the Hon'ble Minister be allowed to speak thrice on this motion?

Mr. SPEAKER: It appears that the Hon'ble Minister omitted to explain something. If he has omitted to say something I cannot but allow him to do so. In fact, he rose immediately.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, with reference to the inclusion of some Proja Party member, to which Mr. Bose has referred, I may explain that in the Coalition group there are 34 representatives of the Proja Party as against 8 in the so-called Proja Party on the other side.

Mr. SYED HASAN ALI CHOWDHURY: Sir, may I be permitted to enter my most emphatic protest to the Hon'ble Minister describing us as the members of the so-called Proja Party? You, Sir, have allotted us seats here.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government thought that Proja interests would be properly represented by the members of the Proja Section in the Coalition Party and that is why we were of opinion it was quite unnecessary to select any representative from the recalcitrant members of the Praja Party who have now become an apanage of the Congress Party.

That is why they thought it was quite unnecessary to select a representative from the recalcitrant members of the Praja party. That group is clearly an appendage to the Congress.

Mr. SYED HASAN ALI CHOWDHURY: I take exception to the term used by the Hon'ble Minister so far as our group is concerned, when you have recognised and allotted a block to the Krishak Praja Party.

Mr. SPEAKER: I have no desire nor is it within my competence to enter into the domestic quarrels of different parties.

Mr. SYED JALALUDDIN HASHEMY: You gave a ruling yesterday asking a member to withdraw the term "so-called popular Government". I therefore submit as to whether the Hon'ble Member is in order in saying "so-called Praja Party".

Mr. SPEAKER: When a member referred to the present Government, as a so-called popular Government, I thought that statement questioned the very existence of this House. I was therefore fully entitled to ask the member concerned to withdraw. As to whether a particular party is a *bona fide* party or not is a matter with which the Speaker has no concern. He cannot, nor is it desirable for him to enter into a controversy about it.

Rai HARENDRA NATH CHOUDHURY: If my memory serves me aright, while attacking Peel's Government it was said, it is a Government of organised hypocrisy.

The Hon'ble Mr. A. K. FAZLUL HUQ: And I say, Sir, the opposition here is dishonest and hypocritical.

Mr. SPEAKER: Order, order. If there is too much interruption, I will have to adjourn the House.

Mr. SANTOSH KUMAR BASU: The House may be closed like the Rajshahi College.

Dr. NALINAKSHA SANYAL: If I am correct, I have just heard the Hon'ble the Chief Minister to say that the opposition is dishonest

and hypocritical. I submit, Sir, the word "dishonest" is unparliamentary whereas the word "hypocritical" is parliamentary.

Mr. SPEAKER: Dr. Sanyal will agree with me that it is not possible for me to control the House and to hear every word that is uttered when there is so much interruption. If the word "dishonest" has been used with reference to any party, that was unparliamentary. There was too much noise in the House and I did not hear him say so. If I had heard him I would have certainly asked him to withdraw. I hope that everybody will fully realise that no party can speak of another party as hypocritical and dishonest.

Maulvi ABUL HASHIM: Is it parliamentary, Sir, to term a Government Bill as dishonest?

Mr. SPEAKER: I think the general principle on which it is decided as to whether an expression is parliamentary or not is that there should be no motive ascribed to any person or group of persons. I think every Government is subject to attack in every country and I think an expression with reference to a particular Bill as to whether it is of a particular nature is quite apart from Government's function or the function of a party.

The motions of Kumar Shib Shekhareswar Roy and Mr. J. W. Chippendale that the Bill be refused to Select Committee, were put and lost.

Mr. KHAGENDRA NATH DAS GUPTA: I rise to oppose the motion for consideration of the Bengal Tenancy (Amendment) Bill, 1937, as moved by the Hon'ble Minister in charge of Land Revenue on the ground that the proposed Bill is incomplete and inadequate. It ignores the fact that about 12 lakhs of people inhabiting my constituency, the constituency of the Jalpaiguri district *cum* Siliguri subdivision have been so long denied and are still denied by the provincial Legislature the primary rights and privileges conferred and recognised by the provisions of the Bengal Tenancy Act which the Bill seeks to amend still further and to effect improvements. It is a pitiable spectacle, Sir, that when so many human beings tied to the rest of the province by so many chains and claiming equally with them to be considered as Bengalis speaking the Bengali language are denied by the Legislature the rights of a most elementary sort. The rest of the province should be marching onwards and onwards in utter disregard to how they fare. Sir, I have no desire to stop their progress or to prove obnoxious against their happiness. All that I want is that they must take their brothers in my constituency along with them. Minus my constituency there can be no real prosperity and happiness for the

Maulvi ABDUL BARI: Can the member speak generally at this consideration stage?

Mr. SPEAKER: Yes. The House is now at the consideration stage and the member can speak generally on the consideration of the Bill.

Mr. KHAGENDRA NATH DAS GUPTA: What privileges they may now enjoy they do by the mercy of the Executive and they are not in a line with the rest of the province although they resemble in toto their brothers in the neighbouring districts educationally, socially and culturally.

What is their position now? About one-third of the area, the permanently-settled portion of the Jalpaiguri district, now enjoys the benefit of the Bengal Tenancy Act in its entirety by an Executive order being considered a scheduled area. The Western Duars, more than half of the Jalpaiguri district, have got the benefit of a partial and practically useless application of the Bengal Tenancy Act, the extension of which has been under such restrictions and modifications that the enforcement has been rendered futile. If there is anything in the Bengal Tenancy Act which is inconsistent with the terms and conditions of the lease granted or to be granted or to be renewed to the tenants of that unfortunate Tract, those conditions and terms of the lease are enforced and shall be enforced notwithstanding anything contained to the contrary in the same Act. Terai is altogether excluded. I am now confining my observations to the Western Duars khas mahals and to a certain extent to the Terai. The tenants there get lease of their land from Government for twenty years with a clause of renewal if they prove themselves to be good boys after the expiry of the lease on such terms and conditions as Government think fit, that is, the rights and obligations of the tenants are changeable at each settlement after twenty years. If the tenants fail to pay the rent or the cesses according to the fixed instalments on the fixed dates all arrears are realised by the sale of property according to the provisions of the Revenue Sale Law (Sunset law) and the provisions of the Public Demands Recovery Act. The jotedars nowadays do not possess unrestricted transferable and saleable rights which they had before British occupation and even so late as the settlement of 1915-16 known as Milligan Settlement. Though the jotedar has been given the restricted right of transfer such transfer is not recognised with regard to revenue payment. Separate accounts are not allowed. All co-sharers of a jote are according to the terms of the lease jointly and severally liable for the entire rent and the entire jote is liable to be sold for any portion of the rent due. The jotedars of the Western Duars are not getting the benefit of sections 10 and 11 of the Revenue Sale Law or section 88 of the Bengal Tenancy Act although they are subjected to all the hardships and disadvantages under that Act or the Bengal Tenancy Act. The jotedar is given the

right to sublet the whole or part of his land to occupancy raiyats provided he is a *bona fide* cultivator of his land and resides on or near his jote but to no other class of tenants. I beg to submit that there cannot be any objection to settled homestead tenants on *danga* lands not fit for cultivation and for which jotedars have to pay rents and such rights should not be taken away. These raiyats are forbidden to sublet the whole or any portion of their tenure, however big that may be, under pain of immediate forfeiture of such tenure. But they are encouraged to employ adhjars, that is, agricultural coolies. The chukanidar has got no right to transfer or sale of his lands without the previous sanction of the jotedar. The *darchukani* tenancies, i.e., tenancies belonging to those who are the real tillers of the soil, still remain unrecognised, though sometimes they extend over as many as one hundred acres and have been in existence for generations; they have not been given any rights so far and they are not recognised at all.

The jotedars cannot use the land for any purpose except those mentioned in the lease. There are instances where a cultivator's holding was threatened to be resumed on the ground that he stocked in a room in his hut two tins of kerosene which he used to sell to the *bustiwallas*, but which was objected to by the revenue officers on the ground that the land was settled with him as a place of residence and for agricultural work, while he was using it as a shop. Another jotedar got a notice from the Deputy Commissioner of the resumption of his entire *jote* including his homestead, for the offence of allowing a Congress house to be erected within his *jote*—and this in spite of the fact that not a single Congress or allied organisation in the Jalpaiguri district has ever been declared unlawful.

Jotes are liable to be resumed for any breach of terms of the lease, without any reference to the civil court. Frequently, *jotes* are resumed on the report of the *tehsildar* and tenants are forcibly turned out of their holdings. If they refuse to vacate, then sometimes criminal cases are brought in at the instance of the Deputy Commissioner, and the tenant is convicted. Such forcible evictions and criminal proseeutions are not at all justified. In the Dooars, with regard to the breach of the terms of the lease, the complainant and the judge are united in the same authority and in the same person.

These are some of the innumerable handicaps from which the cultivators suffer.

With each settlement, Sir, the rent is enhanced out of all proportion to improvements——

Mr. SPEAKER: I don't want to interrupt you. You can discuss only the principle of the Bill, but you are going into details far too much.

Babu KHAGENDRA NATH DAS GUPTA: Sir, I shall be finishing in two minutes, and I shall not go into details any more.

Mr. Speaker, Sir, may I appeal through you to the members of this House to lend their support to me and help to introduce the Bengal Tenancy Act in my constituency? May I press my request that Bengal should not be partitioned like this in matters of land and other legislation and appeal for a United Bengal in this as well as in other measures? I owe it to my constituency to make their condition known to you; it remains with you to do the needful for they are your countrymen as well as mine. I am ready to withdraw my opposition if the Ministry assure us that they will extend the Bengal Tenancy Act to my constituency in its entirety by amending section 1 of the Bengal Tenancy Act, or, if necessary, for the Siliguri subdivision, by issuing a notification to that effect. Then, Sir, shall I withdraw my opposition. If the Ministry accept my suggestions, then they will earn the thanks of a large number of their countrymen. I appeal to them, Sir, that they may be induced to take a sympathetic view and come to the help of so many of the *projas* who will bless them for their just action.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the last speaker has tried to make out certain points which are quite extraneous to the issue before the House, viz., the extension of the provisions of the Bengal Tenancy Act to the khas mahals in the Dooars. Sir, I venture to submit that this proposal is outside the scope of the present Bill. So, I do not think that his proposals really arise out of this Bill, but, in view of what he has said, Government would be quite prepared to get the matter thoroughly examined before coming to a decision one way or the other.

Sir, certain special rules govern the incidence of tenancy in the khas mahals in Jalpaiguri district, and the main object of those rules was to prevent subinfeudation and to prevent lands passing out of the hands of the *bona fide* cultivators into the hands of middlemen. It may be necessary to take stock of the position and to find out how far those rules have fulfilled their object. Though these proposals are not quite relevant in my humble opinion to the subject-matter before the House to-day, Government are quite prepared to examine the whole question through an officer of the Department and come to a decision later on. (Babu KHAGENDRA NATH DAS GUPTA: In consultation also with the peasants of that area?)

Sir, as regards the motion before the House, I would press for its acceptance by the honourable members.

The question that the Bengal Tenancy (Amendment) Bill, 1937, be taken into consideration was then put and agreed to.

Mr. SPEAKER: We will now proceed with the amendments.

Clause 1.

Maulvi ABDUL HAKIM: Mr. Speaker, Sir, I beg to move that in Clause 1, sub-clause (2), for the words "on such date as the provincial Government may be notification" the words "from the date of its final publication" shall be substituted and the word "appoint" be omitted.

(The member delivered a speech in support of his motion in Bengali.

[When Maulvi Abdul Hakim was referring to the provisions of section 88 of the Bengal Tenancy (Amendment) Act, Mr. Abdul Latif Biswas rose on a point of order and said:]

Mr. ABDUL LATIF BISWAS: On a point of order, Sir. Is the honourable member in order? He is referring to section 88 of the Bengal Tenancy Act, which is not under discussion at the present moment.

Mr. SPEAKER: I am sorry, I have not been able to hear him at all.

Maulvi ABDUL HAKIM: (The member was discussing in the course of his speech on his amendment the general provisions of the Bill.)

Mr. SPEAKER: Order, order. Maulvi Abdul Hakim, have you moved your amendment? I am afraid this is not an occasion for a speech on the merits of the Bill, but to suggest a date on which it is to take effect, and you must confine yourself to that.

Maulvi ABDUL HAKIM: (The member went on discussing the general principles of the Bill.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, is this at all relevant to his motion?

Mr. SPEAKER: I am afraid, Mr. Hakim, you are going to such a length of irrelevancy that unless you speak on your motion, I shall have to rule you out of order.

[Maulvi Abdul Hakim said in Bengali that he had nearly finished his speech, and if he had discussed the general provisions of the Bill on his own amendment, the scope of which was very much restricted he did so because he had not an opportunity of speaking on the Bill.]

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the usual practice and form have been followed in this case. As regards the date on which the Act will come into operation, it is usually done when the assent of His Excellency the Governor is received and it is difficult to put in a particular date before we get the assent of His

Excellency, because certain administrative arrangements may have to be made and nobody knows what time the Upper House will take to consider the Bill. So I think that the Bill clause should stand as it is. Sir, I oppose the motion.

Mr. RASIK LAL BISWAS: Does it include amendment No. 37?

Mr. SPEAKER: No. I think it is only fair for the House to know what the effect will be if the Government Bill is passed as it stands. The effect will be that the Act will come into force from the date of its final publication in the gazette.

The motion of Maulvi Abdul Hakim was put and a division called by Mr. Syed Hasan Ali Chowdhury; but it was not pressed. So the motion was put again and lost.

Mr. SPEAKER: Do you think that this motion is in order?

Maulvi ABDUL BARI: I think, Sir, that this motion is in order, because it only intends to fix a limit of time within which the Bill is to come into operation. So far as the Bill as it stands at present is concerned, it is left absolutely vague as to when it will come into force as it does not indicate any date. We may have to wait for two or three years or for an indefinite period. Therefore I propose to fix the time to the 1st January, 1938. I submit that this motion is in order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the usual practice is to bring any legislation into operation from the date of the assent of His Excellency the Governor and as soon as it receives the assent of the Governor it is published in the gazette and brought into operation. It is not possible to put in a particular date by which a particular Act should be brought into force, because there is the Upper House and nobody knows what time the Upper House will take to consider it. Suppose the Upper House decides to make some changes: in that case it will have to come back to the Lower House and if there is disagreement, a joint session may be necessary and the assent of the Governor and if necessary the assent of the Governor-General should be taken. So nobody knows what time will be actually necessary. I would therefore rather leave it as it is so that the Bill may be brought into operation as soon as it receives the Governor's assent. I think that is the best course to adopt: my advice is to leave things as they are.

Maulvi ABDUL BARI: The only question to be decided here is whether the motion is in order or not. I have already submitted in my amendment that after the word "appoint" in the last line, the words "but not later than the 1st of January, 1938" be added.

Mr. SPEAKER: My difficulty is this that under section 75 of the Government of India Act, a Bill which has been passed by any Chamber has to be presented to His Excellency the Governor and it is in the Governor's discretion to declare whether he gives his assent or not and the question of giving effect to it probably comes after that. Has the House any right to restrict the Governor's discretion by saying that he must do it within a certain date? Have you any authority to say that the Governor must exercise his discretion within a certain date?

Maulvi ABDUL BARI: Sir, I only want in this motion to expedite the effect of this Bill and if by the vote of the House it is decided that it will come into operation within 1st January, 1938, then, Sir, the result will be that His Excellency the Governor may see his way to have the matter expedited.

Mr. SPEAKER: You have no right to say that.

Maulvi ABDUL BARI: Sir, so far as the Salary Bills of the Ministers, Speakers, Deputy Speakers and the members are concerned you will find that a time limit was provided, e.g., that it will take effect from such and such date; and if that is in order there is no reason why this motion should not be in order.

Mr. SYED HASAN ALI CHOWDHURY: Sir, I do not understand why my claim for the division was overlooked.

Mr. SPEAKER: You withdrew it, did you not?

Mr. SYED HASAN ALI CHOWDHURY: No, Sir, I did not. It was Mr. Jalaluddin Hashemy who asked me to withdraw but I did not do so.

Mr. SPEAKER: I noticed Mr. Jogesh Chandra Gupta was nodding to you asking not to press the division. In any case if you take 10 to 15 minutes to decide whether you want the division or not, I cannot help it. The matter is closed now.

Mr. SYED HASAN ALI CHOWDHURY: I did not rise so long as I did not want to interrupt Mr. Abdul Bari.

Mr. SPEAKER: There was enough time before Mr. Abdul Bari rose to speak.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Regarding the motion may I submit one point—whether it is in order or not, it must be decided by you. If my friend Mr. Bari modify his amendment and substitute the words "31st March, 1938" for the words "1st January, 1938" then I can accept it.

Mr. SANTOSH KUMAR BASU: What about the point of order regarding Governor's discretion to give assent?

Mr. SPEAKER: I think it is really forcing the hands of the Governor which nobody has any right to do.

Mr. SYED HASAN ALI CHOWDHURY: On a point of information, Sir. Motion Nos. 21-35 have been tabled by many members; but only Maulvi Abdul Hakim spoke on it. Have not others got the right to speak on it?

Mr. SPEAKER: Of course they had; but nobody rose to speak and the matter is closed now. After that I called No. 36 and declared it out of order: then I called No. 37.

Rai HARENDRA NATH CHOUDHURY: All these amendments are allied and there may be one discussion at the same time.

Mr. SPEAKER: Excepting the minor motions I propose to take them together and have one discussion.

After the point that has been raised by Mr. Abdul Bari I am not very clear in my own mind. At one time I thought that a Bill cannot take effect under section 75 by fixing a date because that would be restricting the right of His Excellency the Governor. But in view of the precedent that has been quoted by Mr. Bari, namely, that in the case of the Salary Bills of the Ministers, the Speaker, the Deputy Speaker and members, a time-limit was fixed within which the Bills would take effect—that it would have retrospective effect, I do not see why this provision will not be in order if a date is fixed and retrospective effect is given for its enforcement.

Mr. B. MUKHERJEE: Sir, the amendments Nos. 21-41 are almost similar. I suggest that instead of taking them one by one they may be taken together and have one discussion.

Maulvi ABDUL BARI: I beg to move that to clause 1(2) after the word "appoint" in the last line, the words "but not later than the first of January, 1938" be added.

I may only say, Sir, in relation to this that the suggestion tha has been made by the Hon'ble Revenue Minister that he is prepare to accept my motion if it is modified, namely, to substitute "31s March, 1938" for "1st January, 1938" is acceptable to me, and accepted it as suggested by the Hon'ble Revenue Minister. M desire is not to make any speech on this point because I want, a this House also want, that this measure should be expedited as earl as possible, because every minute that is lost in bringing this legisla tion into force means the loss of the life-blood of the tenants on whor the zemindars have so long perpetrated oppression. It will also hav the effect of checking the fraud and the deceit that is or is likely t be practised by the zemindars of whom I might say my honourabl friend Kumar Shib Shekhareswar Roy is the spokesman. This wil also check the fraud and deceit which is sought to be practised on th millions of tenantry as adumbrated by the Leader and Deputy Leade of the Opposition, because I find that by suggesting the circulatio of the Bill or reference to the Select Committee they have tried t show that this Bill is not in the best interest of the tenants of thi land and thereby they have tried to show that provisions herein mad are not at all to the interest of the peasant and therefore the Bil should be referred to a Select Committee so that better measures ma be provided there.

But, Sir, all this actually means delaying the operation of thi measure and thereby strengthening the hands of the reactionarie like the zemindars and the spokesmen of the Congress. Therefore t bring home to the tenants that they are likely to have effect of thi legislation as early as possible, namely, 31st March, 1938, that thi amendment should be accepted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Govern ment are prepared to accept the amendment but not on the ground o checking the fraud and deceit perpetrated by the zemindars as stated by Mr. Abdul Bari.

Mr. SPEAKER: Mr. Bari, you must now move a short-notice amendment amending your amendment.

Maulvi ABDUL BARI: Sir, I beg to move that to clause 1(*2*) after the words "appoint" in the last line, the words "but not later than the 31st March, 1938" be added.

Mr. RASIK LAL BISWAS: In view of the fact that the House has decided to take amendments Nos. 35-41 together in order to expedite matters, may I move my amendment?

Mr. SPEAKER: Yes.

Mr. RASIK LAL BISWAS: I beg to move that sub-clause (*2*) of clause 1 of the Bengal Tenancy (Amendment) Bill of 1937, be substituted by "It shall come into force on the date it has received the assent of His Excellency the Governor after being passed by both the Houses of Legislatures."

Sir, it has been made clear by our leader that a single day should not be lost in giving effect to this Act and in order to expedite the matter I move this amendment.

In the Bill power has been wanted by the Government to fix a day when this Bill will be given effect to and nobody knows what date may suit them. But, Sir, as I am suspicious of the intention of the Government in this matter that is the reason what prompted me to bring in this motion. I want to relate now why I am suspicious. First of all in bringing this Bill before the House whatever the Government may say they have not done due justice to the demands of the people of this province. Excepting two matters—the Salami and certificate power to private zamindars—the whole thing is bogus if not mischievous; and those two matters also concerns not more than 10 per cent. of the people. As for instance the provisions of this Bill for reduction of rent and enhancement of the same which concerns cent. per cent. of the peasantry are absolutely bogus and to hoodwink the people, but still they try to show that they are responding to the demands of the people in this respect. Secondly, the reduction of interest without reduction of damages is of very little good to the peasantry, but Government brings here a clause for reduction of the rate of interest while the amount of damages left untouched. So it will be of little benefit to the tenants. Here also Government will show that their intention is *bona fide* for the benefit of the people. The peasantry of the country, the poor tenants are for a long time groaning under the oppression of the zemindars and their agents in the matter of *abwab* and non-grant of receipt. The provision that has been made in the Bill regarding this matter is merely an eye-wash. It is as bad as the present provision. No improvement has been made in this matter.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, can the hon'ble member go into the general merits of the provisions of the Bill?

Mr. SPEAKER: Yes, he is giving the reason why he wants expedition in the passing of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think that would be a very unsound argument.

Mr. SPEAKER: I cannot help it; it is relevant. I hope however, Mr. Biswas will not go into much detail.

Mr. RASIK LAL BISWAS: No, Sir. I was saying that I am suspicious that the matter may be shelved for a long time. Sir, the provision for relief of the under-raiyats is practically nil. There has been a persistent demand in the country that the lot of the under-raiyat should be improved. Sir, Government know and also the members of this House who have been assembled here know very well what have been the demands of the people in this province regarding the amendment of the Bengal Tenancy Act and its provisions.

First of all, Sir, the provisions of this Bill have not been extended to the district of Jalpaiguri as has been pointed out by my friend Mr. Khagendra Nath Das Gupta which should have been done. The provisions of this Bill have not been extended to the small towns of the mofussil though in those places the lands are governed by the Bengal Tenancy Act so far as they relate to the rights of the zemindars.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I again rise to a point of order. I do not think these matters are all relevant.

Mr. SPEAKER: Mr. Biswas I cannot permit you to go into the whole matter as I am afraid the House has not the time for it. You must remember that there are as many as 1,700 amendments.

Mr. RASIK LAL BISWAS: Sir, I will finish within a few minutes. The classification of the raiyats into three classes should have been abolished and one class only, namely, the permanent raiyat should have retained. Tenure-holders and permanent tenure-holders should have been made one. Rights to construct pucca buildings and prepare bricks on their lands should have been granted to all raiyats. In view of the fact that rate of rent is at present 600 per cent. more than the rate of revenue (which in fairness should be only ten per cent. more) it should have been defined what would be the fair and reasonable rent. Enhancement of rent should have been permanently suspended; reduction of rent due to depression, flood and other losses should have been provided; substantial right to under-raiyat should have been granted with their fixity of tenancies, rents, etc; reduction of damages in rent suits should have been granted. Sir, attachment and sale of moveable property for arrears of rent should have been made illegal; free right of tenants to mutation should have been provided; but here section 88 has been amended in such a way that it is of no utility to the tenant at large. Provision of giving certificate power to the zemindars are going to be repealed

but provision of abolishing certificate power to the Court of Wards is not going to be introduced though there has been persistent demand throughout the province. Surrender should have been more easy, *abwabs* and non-grant of rent receipts in proper time should have been made a cognisable offence. So on and so forth——

Mr. SPEAKER: I am afraid Mr. Biswas I must rule you out.

Mr. RASIK LAL BISWAS: When Government have not taken up these matters in their Bill in spite of persistently repeated demands by the people for many years and as there are many Acts passed already for the benefit of the people but no effect has been given to them as yet, so I suspect that the Ministry, which is composed mainly of the landed aristocracy and exploiters of this country, may not give effect to this Bill in proper time; they may shelve it, they may induce the Governor or the Viceroy to help them in their mischievous activities; they may do various other mischieves in this matter. Most reluctantly they have done this much only to win over some members to their side in order to keep themselves in office but in reality they may not have any good intention of giving any benefit to the people. So, Sir, I move this amendment so that not a day be lost to give effect to this Bill.

Mr. SANTOSH KUMAR BASU: Sir, in support——

Mr. SPEAKER: Before you rise I think it is my function as the Speaker to draw your attention to the position of this amendment. There is one amendment fixing the date means 31st of March 1938. But the amendment of Mr. Rasik Lal Biswas means that it shall come into force from the day on which it receives the assent of the Governor after both the Houses have passed it. Supposing the Upper House passes it in April, 1938, and His Excellency gives his assent in November, 1938, I want you to realise that position with reference to this amendment.

Mr. SANTOSH KUMAR BASU: The amendment of Mr. Rasik Lal Biswas is "it shall come into force on the date it has received the assent of His Excellency the Governor after being passed by both the Houses of the Legislature."

Mr. SPEAKER: The difficulty is that he wants it at an early date.

Mr. SANTOSH KUMAR BASU: I support the amendment which has been moved by Mr. Rasik Lal Biswas not because I want a very early date to be fixed for bringing this Act into operation but because

I desire to warn the House against the dangers of legislation which has not passed through the Select Committee, especially legislation of this character. I want this House to realise that they are treading on very dangerous grounds. I warn the House that if they are really anxious to give effect to the Bill which has been placed before the House by Government they should be cautious and circumspect in the way that has been suggested in the motion before they commit themselves to the final shape which the House is so anxious to give to this legislation. You will kindly remember, Sir, that these 1,700 and odd amendments will have to be rushed through this House without at all taking into consideration the effect of one upon the other. There may be catches, there may be snags, if I may be permitted to use those expressions, and the result will be that the whole thing may be drawn in a quagmire of inconsistency. The judicial authority of the land may interpret the law in a very different fashion from what this House intended and we shall rue the day when we decided to bring this Bill into operation, namely, the 31st of March, 1938. I appeal to Mr. Abdul Bari and I appeal to the Hon'ble Revenue Minister who in his zeal to placate Mr. Abdul Bari grabbed at his amendment with alacrity and zeal to realise that he is treading upon very dangerous grounds. He ought to give some time to experts to ponder over the effect of these multifarious amendments, this labyrinth of amendments through which the House is being taken. I am appealing to Mr. Abdul Bari the lawyer and not to Mr. Abdul Bari the party man to allow some time to be given to the departmental experts to consider the effect of these various amendments which are being rushed through this House. Let the matter be considered by the appropriate authorities before it goes up to the Governor for his assent because it will still be time to cry halt and consider the effect of these various amendments upon each other. I may remind this House, Sir, of one piece of hasty legislation which met with a fate which I may describe here to-day. This was the fate of the private Bill in respect of the separation of the Cossipur area from Calcutta. Different sections of the House combined to pass that piece of legislation to turn it into law. Then when the matter came up for assent of His Excellency the Governor it was discovered that there were so many flaws, so many defects in that hasty piece of legislation that the Governor felt constrained to withhold his assent and submit it to the scrutiny of experts. I am appealing to this House from the point of view of the raiyats, from the point of view of the tenants whose interests we are out to serve that let not our zeal mislead us to a quagmire where the true interests of tenants might altogether perish. I am therefore asking Mr. Abdul Bari to consider whether it will not be better to let the legislation take its usual course and let the bringing of it into operation be delayed until the Governor gives his assent to it after both the Houses had an opportunity of scrutinising the provisions of the Bill, after different amendments are passed by this House and their relation to each other fully examined.

Mr. B. MUKHERJEE: (The member spoke in Bengali in support of the amendment of Mr. Rasik Lal Biswas.)

Mr. SPEAKER: I would ask the House to consider whether it is not desirable to finish this Clause now.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. Government have already made it clear that in their opinion the Bill clause, as it stands, is more preferable, because the House should have absolute confidence in Government. If the Legislature passes a Bill and it receives the Governor's assent, there is no reason why Government should delay its enforcement. But if it is the desire of the majority to put a time-limit Government are prepared to accept "31st March, 1938," and they are convinced that it will not take them longer to examine the Bill and bring it into operation and to have the Governor's assent.

As regards the point raised by Mr. Rasik Lal Biswas that the Bill does not confer sufficient benefits on the cultivators and there are many shortcomings, I do not think I need repeat, I made it perfectly clear at the beginning of this debate this morning that the Bill is really meant for conferring large benefits on the cultivators. As regards the wider issues, I also made it clear that they must be postponed till the Commission of Enquiry submits its report. They involve very big questions and very serious problems affecting the whole life of the nation. So, it is very difficult for these reasons to come to a final decision without a careful consideration and thorough enquiry.

Sir, our confidence may be bad but over-nervousness is not also a virtue. I think Government have got this much confidence that they can get the Bill thoroughly examined and scrutinised before they can place it before His Excellency. This is in reply to what has been said by my friend, Mr. Santosh Kumar Basu.

With these few words I oppose this amendment.

Mr. SYED HASAN ALI CHOWDHURY: Sir, may I have your permission to move a short notice amendment? It is:—

That after the word "Governor," the words "or proper requisite authority" be inserted.

There is a lot of discussion as to whether section 299 (*3*) of the Government of India Act affects certain provisions of this Bill. The Bill may have to be referred to His Excellency the Viceroy.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have nothing further to add to what I have said. I do not accept this short notice amendment.

Mr. SPEAKER: The general principle which I will observe is that I shall always allow short notice amendments if they relate to mere verbal changes or printing errors, because it is our duty to see that the wording is in proper order.

Of the two amendments moved, viz., one by Maulvi Abdul Bari and the other by Mr. Rasik Lal Biswas, I think the latter (No. 41) is wider than the former (No. 37). I will therefore put the following motion (No. 41):

On the motion being put a division was claimed.

Mr. NIHARENDU DUTTA MAZUMDAR: There is an apprehension as to the effect of the two amendments before the House. Does Maulvi Abdul Bari's amendment mean that if the Bill in its passage through both the Houses is delayed and comes to the Governor for his assent after the 31st March, 1938, even in that case it will have effect from the 1st of April while in the other case there is a possibility of delay even after that date? I hope you will kindly explain the position to the House before the division is taken.

Mr. SPEAKER: As I have already said, when Mr. Rasik Lal Biswas moved his amendment his speech was entirely contradictory to his own motion. His motion, as I read it, is that it will have effect only from that date on which the Governor's assent to this Bill is received after its passage through this House and the Upper House, even though it may be dragged on till 1939 or 1940. On the other hand the amendment of Maulvi Abdul Bari does not bring in the question of assent of the Governor having anything to do with the date from which the Bill will be put into operation. As I read his amendment, the question of assent is immaterial. Even if the assent is given on a later date the Bill is to take effect from the 1st April, 1938, but that is my interpretation of the question and I am open to correction on the advice of legal experts.

Mr. NIHARENDU DUTTA MAZUMDAR: I hope, Sir, the statement you have just made will be recorded so as to enable us to decide our line of action.

(At this stage when Mr. Speaker was going to put motion No. 41 to the House there were too much noise and a lot of interruptions.)

Mr. SPEAKER: I am really very sorry that there are so many interruptions when I am going to put the motion to the House. I have repeatedly said to the members of the House that I shall give them the widest possible latitude on all points provided they raise them at the proper time. I am also prepared, as I have already said, to hear any personal statement after the division, if any, is over, but when I

am putting a motion to the House I hope the House will give me the indulgence of working on their behalf to bring the proceedings to a close. It is already 1-30 p.m. and if I allow these things to go on it will take another half an hour to finish to-day's business.

Mr. RASIK LAL BISWAS: In view of what I have heard from you, Sir, I beg to withdraw my amendment.

The amendment of Mr. Rasik Lal Biswas was by leave of the House withdrawn.

The following motion of Maulvi Abdul Bari was put and agreed to.

That to clause 1 (2) after the word "appoint" in the last line, the words "but not later than the 31st March, 1938" be added.

Clause 1.

The motion that Clause 1, as amended, stands part of the Bill was put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 13th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 13th September, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 219 members.

STARRED QUESTIONS

(to which oral answers were given)

Detenu Srijut Harikumar Chakraburty.

***136. Rai HARENDRA NATH CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) whether any application was received from detenu Srijut Harikumar Chakraburty for transfer to the Alipore Central Jail;

(*ii*) the grounds on which he applied for the transfer; and

(*iii*) whether the application has been granted?

(*b*) If the answer to (*iii*) is in the negative, will the Hon'ble Minister be pleased to state the reasons why the same has not been granted yet?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) No.

(*ii*), (*iii*) and (*b*) Do not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: Has the Hon'ble Minister enquired as to whether the detenu actually submitted any application?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as my information goes I have received no application.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the answer that the Hon'ble Minister has not received any such application, I ask whether any such application was submitted by the detenu but suppressed by his custodians?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Arrest of persons in Faridpur under Regulation III of 1818 and Bengal Criminal Law Amendment Act.

*137. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware that many persons of the district of Faridpur have been arrested under the Regulation III of 1818 and the Bengal Criminal Law Amendment Act and many more put under restraint orders under the Bengal Suppression of Terrorist Outrages Act, since April, 1930?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to place on the table the following particulars about each of them, namely,—

(*i*) name;

(*ii*) father's name;

(*iii*) residence and its police-station;

(*iv*) date of arrest or order of restraint, as the case may be;

(*v*) age and occupation at the date of arrest or at the date of restraint, as the case may be;

(*vi*) if a female, whether married, unmarried, or widow;

(*vii*) the charge or charges against each of them;

(*viii*) if any has been released; and

(*ix*) the date of release?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A number of inhabitants have been dealt with under the laws mentioned by the hon'ble member.

(*b*) The information desired by the hon'ble member is not readily available and cannot be collected without an undue expenditure of time and labour which Government are unable to undertake.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether all these details are not available from the file of each detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already explained to the House that the files of detenus are over 2,000 in number, and it is difficult to go into and search every file to find out the information desired. I have already stated that I am prepared to give information regarding individual detenus if and when asked for.

Mr. SURENDRA NATH BISWAS: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether the information asked for is not worth the time and labour it involves?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already explained that it will take undue time and labour and I have nothing further to add.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this can be readily available in the office of the District Superintendent of Police of Faridpur alone?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Dr. NALINAKSHA SANYAL: Did not the Hon'ble Minister say with reference to a previous question on a previous day that such information can be had at the office of the District Intelligence Officer of a district attached to the office of the Superintendent of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I mentioned in reply to that question that information concerning the detenus detained in the district either in home domicile or village domicile is available in the district, but information concerning detenus of a particular district detained in other parts of Bengal are not available in the district concerned.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*a*), are all the inhabitants Hindu or Muslim?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SIBNATH BANERJEE: What would be the approximate time necessary and the approximate expenditure to collect this information?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as the time is concerned, it may take months. It depends on the number of staff employed.

Mr. PROMATHA RANJAN THAKUR: Is there any scheduled caste person who has been arrested under this Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Bhowanipur Wards' Estate.

***138. Mr. P. BANERJI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that—

(*i*) the Bhowanipur Wards' Estate is compelling the under-tenants to pay their rents through the Certificate Courts;

(*ii*) the sub-tenants whose right, title and interest have not been affected by the rent sale, are realising the rents from the under-tenants by the help of the civil courts;

(*iii*) the estate received rents from a certain tenant before the decree was passed in Certificate Case No. 155 B.W. of 1934-35 Alipore; and

(*iv*) the amount was again realised from the same tenant by execution of decrees and that the amount thus realised has not been refunded in spite of repeated demands by the tenants?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to take steps to inquire into the matter to save the tenants from harassment and compel the Manager, Wards' Estate, to refund the amount to the tenant?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) No.

(*ii*) I have no information of how tenants of the Wards' Estate are realising their rents from the sub-tenants.

(*iii*) No.

(*iv*) The amount was amicably paid in the Manager's office 4 months after the decree was passed. But the decretal amount appears to have been realised again by the Court subsequently. The excess realised amount is lying in Revenue Deposit for refund to the certificate-debtor who and whose pleader in spite of 2 reminders in 1935 and once in 1936 has not come forward to take the refund.

(*b*) Does not arise.

Babu NAGENDRA NATH SEN: How is it that the money realised in the Manager's office was not credited in the register of estates and how was the decree put into execution?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is difficult for me to answer that question off-hand without further enquiry.

Babu NAGENDRA NATH SEN: Why was the money not refunded by postal money-order?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At whose cost?

Babu NAGENDRA NATH SEN: Why will not the wards' estate pay the costs of refunding the money?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. P. BANERJI: With reference to (*iii*), was not the decree passed on the 1st September, 1934, and is it not a fact that the money was paid before that and not after four months as stated?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Permanent and temporary clerks in the Settlement Offices at Dinajpur.

***139. Maulvi ABDUL JABBAR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing, separately,—

(*i*) the number of permanent and temporary clerks (both Hindus and Musalmans) in the Settlement Offices at Dinajpur; and

(*ii*) the number of them that are natives of the district?

(*b*) Will the Hon'ble Minister be pleased to state the percentage of the different communities according to which these appointments are being made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) There is no permanent clerk. The total number of temporary clerks in the Settlement Offices at Dinajpur is 399. Of them, 248 are Hindus and 151 Muhammadans.

(*ii*) The number is 7.

(*b*) Settlement work has to be completed within a fixed time for a fixed budgeted sum. The budget presupposes an outturn which can be had only from experienced men. In making appointments first consideration is therefore given to discharged and experienced men of other settlements. Generally in making appointments the percentage prescribed by Government is kept in view.

Babu KSHETRA NATH SINGHA: Is it not a fact that even the natives of the district who sit for employment as peons have been refused services?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information on the point.

Notification prohibiting bus or taxi passenger traffic plying for hire from Chalsa to Bagrakote Road, Jalpaiguri.

***140. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware of the Government Notification No. 2689P.L., of the 29th June, 1936,

which prohibits bus or taxi passenger traffic plying for hire from Chalsa to Bagrakote Road in Jalpaiguri district in view of alternative facilities for the conveyance of passengers?

(*b*) Is it a fact that the alternative facilities referred to in the notification refer only to the Bengal Dooars Railway?

(*c*) Is it a fact that only one train runs up and down every day along the route indicated?

(*d*) Is it a fact that the issue of this notification is causing general dissatisfaction to the travelling public and creating inconvenience and loss to businessmen and the general public because the route connects a network of *hat* or markets?

(*e*) Will the Hon'ble Minister consider the desirability of withdrawing the notification?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

(*c*) No. It appears from the latest time table available that two up and two down trains run daily.

(*d*) I have received no such information.

(*e*) No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state under what legal sanction there is this police notification preventing a motor bus or a taxi from plying on the ground that there is an alternative facility for conveyance of passengers?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government have the right to grant or to refuse permission to a bus traffic. If the member refers to rules, I would ask for notice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the police cannot prevent any taxi from running in a road which is open for public traffic on such grounds?

The Hon'ble Khwaja Sir NAZIMUDDIN: If they cannot prevent them there is no grievance.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that when under the law the police cannot do something, by the issue of the notification the police can take unfortunate taxi drivers into custody and harass them?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is the court of law against the oppression of police officers.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Government of India have been for some time contemplating such a law to enable district boards to close certain roads to certain class of traffic for controlling motor traffic?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Government of India has contemplated this legal sanction only because such sanction at the present moment does not appear to be there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Gazaria block of villages in Tippera.

***141. Mr. MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that the Government approved in principle the proposal of transferring the Gazaria block of villages from the Daudkandi police-station in the district of Tippera to the Munshiganj subdivision in the district of Dacca so far back as 1931 and conveyed their approval to the Commissioner of the Chittagong Division by letter No. 948T.R., dated the 23rd September, 1931, from Mr. H. C. V. Philpot, I.C.S., the then Secretary to the Government of Bengal?

(*b*) If the answer to (*a*) is in the affirmative will the Hon'ble Minister be pleased to state whether he is considering the desirability of giving effect to the aforesaid proposal and of opening a police patrol camp at Gazaria in the near future and thereby relieve the inhabitants of the locality from the hardship and inconvenience they have been suffering for years together?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Detenu Dhirendra Nath Ghosh, of Sangaliapara.

145. Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) the place of detention of Dhirendra Nath Ghosh, of Sangaliapara in the subdivision of Tangail; and

(*ii*) the condition of his health?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) and (*ii*) The detenu is at present receiving medical treatment in the Presidency Jail. He is inclined to be neurasthenic and complains of headache. He recently had an attack of influenza but is now convalescent.

Internment of detenu in villages during rainy season.

146. Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) whether Government are prepared to stop the practice of keeping detenus interned in villages during the rainy season amidst insanitary surroundings; and

(*ii*) whether they are not going to be released even now?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) I have no reason to believe that the quarters of detenus are situated in insanitary surroundings, and I have no intention of changing the existing practice.

(*ii*) The hon'ble member's attention is drawn to the statement which I made in the House on the 9th August last on this subject.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware that some detenus are kept amidst insanitary surroundings and that if specific cases are brought to his notice he would be prepared to enquire into them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will certainly enquire into them.

Hindu and Muhammadan District Judges, Magistrate-Collectors, Deputy Magistrates and Deputy Collectors and Sub-Deputy Magistrates and Sub-Deputy Collectors.

147. Mr. ABDULLAH-AL-MAHMOOD: (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to lay on the table a statement showing for the Presidency of Bengal the number of Hindu and Muhammadan officers in the rank of—

(*i*) District and Sessions Judges including Additional District and Sessions Judges;

(*ii*) Magistrate-Collectors;

(*iii*) Deputy Magistrates and Deputy Collectors; and

(*iv*) Sub-Deputy Magistrates and Sub-Deputy Collectors?

(*b*) Will the Hon'ble Minister be pleased to state the proportion of the total number of appointments in each of these services mentioned above reserved for duly qualified Muhammadans?

(*c*) Will the Hon'ble Minister be also pleased to state—

(*i*) whether the rules regarding the proportionate number of appointments for Muhammadans have not been observed; and

(*ii*) the steps proposed to be taken by Government to see that the rules are strictly observed in all the departments?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) There is no reservation for any community of a certain percentage of appointments in the ranks of District Judges and Magistrate-Collectors. As for the posts of Deputy Magistrates and Sub-Deputy Magistrates, a minimum of 45 per cent. of the direct recruits is reserved for Muhammadans. They are also entitled to such additional appointments as they may earn on merit.

(*c*) Appointments are made by Government and the rules are strictly observed.

Statement referred to in the answer to clause (a) of unstarred question No. 147, showing the number of Hindu and Muhammadan District Judges including Additional District Judges, District Magistrates including Additional District Magistrates, Deputy Collectors and Sub-Deputy Collectors.

Corrected up to the 4th September, 1937.

	Total number.		Hindus.	Muhammadans.
	Permanent.	Temporary.		
District Judges ..	37	4	27	3
District Magistrates ..	32	2	15	5

	Total number.	Hindus.	Muhammadans.
Deputy Collectors ..	267	182	80
Sub-Deputy Collectors ..	391	261	125

Mr. SYED JALALUDDIN HASHEMY: With regard to answer (*c*), will the Hon'ble Minister be pleased to state whether these rules were strictly observed during the last recruitment of Deputy Collectors and Sub-Deputy Collectors?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. ABDULLA-AL MAHMOOD: With regard to answer (*b*), how many of these officers were recruited direct from the Bar?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he contemplates to raise the percentage of Muslims so far as District Judges and Magistrates are concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a difficult question to answer. There are no rules for the reservation of such posts as District Judges and District Magistrates.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*b*), is there any ratio fixed for scheduled castes?

Mr. SPEAKER: Order, order, that question does not arise.

Maulvi ABDUL LATIF BISWAS: How many of the District Judges have been promoted from the rank of Munsifs?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Returning of the forfeited money of newspapers.

148. Mr. AMRITA LAL MANDAL: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware of the action taken by the Government of Bombay for returning the money forfeited from newspapers?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether this Government also contemplate returning the money forfeited from newspapers in Bengal? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

Mr. JOGESH CHANDRA GUPTA: With reference to answer (*a*), is the Hon'ble Minister aware that the Government of Bombay has actually refunded the money, and has he made any enquiry since the receipt of this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as my information goes, the Government of Bombay have not returned the money forfeited by Government, but what they have done is to allow the money deposited to be withdrawn. There is a difference between money that was forfeited and money that was deposited.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister prepared to follow the same procedure here in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, not at present.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the present Government propose to perpetuate the same policy with regard to forfeiture of money as did its predecessor?

The Hon'ble Khwaja Sir NAZIMUDDIN: The present Government have their own policy on the question.

Clerks under the Collectorate and Magistracy in Dacca Division in the years 1935 to 1937 up to the 15th August.

149. Mr. YUSUF ALI CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state, district by district, for the Dacca Division for the years 1935, 1936 and 1937 (up to the 15th August, 1937)—

(*i*) the number of clerks appointed in the various departments under the Collectorate and Magistracy; and

(*ii*) the number of them that are Muslims?

(*b*) If an adequate number of Muslims were not appointed, what were the reasons for the same and what steps, if any, do the Government intend to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) A statement is laid on the Library table.

Amount allotted and spent in Chittagong from the Rural Development Fund in 1936-37.

150. Maulana MD. MANIRUZZAMAN ISLAMABADI: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) the amount allotted for the Chittagong district in 1936-37 from the Rural Development Fund; and

(*ii*) the amount spent with the different heads under which they are spent?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): A statement is laid on the table.

Statement referred to in the answer to unstarred No. 150, showing expenditure from rural reconstruction grant for Chittagong district, 1936-37.

Scheme.	Grant for 1936-37.	Expenditure in 1936-37 out of that grant.
	Rs.	Rs.
(1) Establishnent of seed, paddy and crop demonstration centres ..	2,904	684
(2) Union Board dispensaries and improvement of water-supply ..	13,800	9,892
(3) Attachment of agricultural farms, etc., to secondary schools and provision to playgrounds and village halls	8,500	8,500
	8,500	8,500
(4) Minor drainage and flushing schemes	10,365	3,350
(5) Discretionary grants by Commissioner and District Officer—		
Commissioner	4,350	(*a*)1,910
District Officer ..	3,850	1,740
Total ..	43,769	26,076

(*a*) Includes Rs. 710 spent out of the savings in the grant for 1935-36.

Police constables in Bengal.

151. Mr. RASIK LAL BISWAS: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing the number of police constables appointed in the different districts of Bengal including Calcutta with the following particulars—

(*i*) the total number of constables at present in service in each district;

(*ii*) the total number of constables appointed since the 1st January, 1934, in each district every year; and

(*iii*) the total number of constables appointed from the members of the scheduled castes every year in each district since January, 1934?

(*b*) If the number of scheduled caste constables is very small, will the Hon'ble Minister be pleased to state the reason?

(*c*) Was any advertisement issued for the recruitment of the police constables every year?

(*d*) Do the Government contemplate revising their present policy in the matter of recruitment of the members of the scheduled castes in the police service in the near future?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) Suitable candidates of scheduled castes were not available in larger numbers.

(*c*) No, as vacancies occur very frequently and sufficient number of suitable candidates are always available without notice.

(*d*) No. A copy of police order No. 5 of 1937 issued by the Inspector-General of Police to improve the standard of recruits enlisted in the police force and to secure the best possible men is laid on the table.

Statement referred to in the answer to clause (a) of unstarred question No. 151.

District.	Total number of constables at present in the service.	Number of constables enlisted.			Number of constables enlisted from the members of the scheduled castes.		
		1934.	1935.	1936.	1934.	1935.	1936.
1	2	3	4	5	6	7	8
24-Parganas	1,943	137	98	181	2	..	..
Nadia	757	47	26	42	..	..	1
Murshidabad	740	38	17	47	..	..	..
Jessore	529	68	39	37	20	8	2
Khulna	526	60	52	32	8	3	3
Eastern Bengal Railway, Sealdah ..	271	17	14	25	..	..	
Burdwan	814	65	35	39	..	..	..
Birbhum	317	19	28	35	2	1	2
Bankura	432	18	23	10	..	..	..
Hooghly	1,154	132	57	85	1	..	2
Midnapore	997	119	123	163	12	..	3
Howrah	1,282	103	105	165	1	..	1
East Indian Railway, Howrah ..	241	19	17	5	..	..	..
Dacca	1,357	78	39	83	1	..	..
Mymensingh	1,293	53	58	72	2	3	..
Faridpur	703	39	26	34	1	..	..
Bakarganj	935	105	83	92	..	1	..
Chittagong	682	80	91	150	12	12	10

District.	Total number of constables at present in the service.	Number of constables enlisted.			Number of constables enlisted from the members of the scheduled castes		
		1934.	1935.	1936.	1934.	1935.	1936.
1	2	3	4	5	6	7	8
Noakhali	318	22	40	0	..	1	1
Tippera	646	59	50	35	..	1	..
Rajshahi	521	25	25	25	..	1	1
Dinajpur	527	22	37	24	..	..	..
Rangpur	625	36	22	32	1	..	3
Jalpaiguri	435	53	55	71	2	1	4
Darjeeling	495	18	18	6	..	..	..
Bogra	291	30	7	10	..	..	1
Pabna	468	33	21	22	..	..	..
Malda	331	22	18	13	..	..	..
Eastern Bengal and Assam Bengal Railways, Saidpur.	257	11	7	15	..	..	..
Police Training College, Sardah .	13	1	1	..	.	..	..
Criminal Investigation Department	32			..		..	..
Intelligence Branch ..	76	.	..			..	..
Inspector-General's Office ..	24	..	..	..	..	..	..
Calcutta	4,572	117	211	162	1	2	..
Total .	24,604	1,640	1,443	1,718	66	34	34

Police Order No. 5 of 1937 referred to in the answer to clause (d) of unstarred question No. 151.

INTRODUCTION OF A MANUSCRIPT REGISTER OF SELECTED APPLICANTS FOR THE POST OF CONSTABLE.

With a view to improve the standard of recruits enlisted in the police force and to secure the best possible men, Superintendents of Police shall maintain a manuscript register in which the names of suitable applicants for the post of constable shall be entered.

2. Individuals who apply in writing for the post of constable shall be asked to appear before the Superintendent of Police, or Deputy Superintendent of Police, who shall personally see all applicants but shall select for entry in the register only those whom he considers suitable in every way to be police constables. Ordinarily no Bengali shall be enlisted in his own district, but particulars regarding each selected man will be taken and sent to the Superintendent of Police of the district (or districts) in which he is prepared to serve, for entry in his register.

3. The manuscript register will be maintained in two parts, one for Bengalis and the other for non-Bengalis and will contain the following headings:—

(1) Name, caste, father's name and address.

(2) Age.

(3) Height and chest measurement.

(4) Literary qualifications.

(5) Relations in the police force.

(6) Orders.

When vacancies occur the Superintendent of Police should send for a few of the best applicants from amongst those entered in the register and make a final selection of those to be enlisted.

4. In the event of any district being short of suitable applicants, the Superintendent of Police will notify the fact in the *Police Gazette*.

5. As a general rule non-Bengalis should only be recruited for the armed branch and literate Bengalis for the unarmed branch. In this connection the attention of all Superintendents of Police is drawn to rule 833, Police Regulations, Bengal, Vol I, regarding the enlistment of Bengali recruits.

By order,

J. L. JENKINS,

Assistant Inspector-General of Police.

Mr. SASANKA SEKHAR SANYAL: So far as this question is concerned, it appears that the answer has been prepared with some labour and trouble. In view of that may I ask why was it not possible to do so with regard to questions relating to detenus?

Mr. SPEAKER: I cannot allow that question.

Mr. RASIK LAL BISWAS: What is the requisite qualification for appointment to these posts?

The Hon'ble Khwaja Sir NAZIMUDDIN: Those who fulfil the recruitment rules are eligible.

Babu KSHETRA NATH SINGHA: Is any public notice given for the recruitment of constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware no notice is given in newspapers.

Maulvi ABDUL BARI: With regard to the appointment of constables in the district of Murshidabad in 1936, how many were Muhammadan and how many Hindu?

Mr. SPEAKER: That question does not arise out of the main question.

Babu KSHETRA NATH SINGHA: Is it not a fact that no notice is published for recruitment, and though sufficient number of recruits may be available yet for want of notice they cannot come and then we are told that no suitable candidates appeared?

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to submit, Sir, that is an argument and not a question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what measures Government have adopted to ascertain whether a suitable number of candidates would come forward?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe notices are posted at the various police-stations.

Mr. RASIK LAL BISWAS: Government has said that no advertisement is issued, and that persons of a district will not be recruited for that district. With reference to this answer, will Government now state how a sufficient number of persons from the scheduled castes community can be appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government will give wide publicity to the answers given to this question.

Police constables.

152. Maulvi MD. ABDUS SHAHEED: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing the number of constables that were under the employment of the Governments of Bengal, Bombay, Madras, the United Provinces and the Punjab during the year 1936-37 and the total expenditure incurred by those Governments during that year towards the payment of their salaries?

The Hon'ble Khwaja Sir NAZIMUDDIN: The total number of constables employed in this province during the year 1936-37 was 23,783. The exact amount spent on their salaries is not yet known. The revised estimate on this account has been fixed at Rs. 65,03,000.

Figures for other provinces are not available.

Mr. SPEAKER: We shall now take up the consideration of the Bengal Tenancy (Amendment) Bill.

Khan Bahadur MOHAMMED ALI: Mr. Speaker, Sir, before you take up the normal business of the House, may I draw your attention to the reports of the proceedings of this House in the newspapers——

Mr. SPEAKER: If any question regarding this matter is to be brought up, it might be brought up afterwards and placed before the Committee of Privileges.

GOVERNMENT BILL.

The Bengal Tenancy (Amendment) Bill, 1937.

Clause 2.

Mr. SPEAKER: Mr. Rasik Lal Biswas, it strikes me that your amendment, No. 42, is beyond the scope of the Bill. Have you anything to say to the contrary?

Mr. RASIK LAL BISWAS: I agree with your view, Sir.

Mr. SPEAKER: Amendments Nos. 43, 44, and 45 are also beyond the scope of the Bill.

Amendment No. 46 standing in the name of Maulvi Abdul Bari seeks only to make some changes in drafting. Do you want to move your amendment, Mr. Bari?

Maulvi ABDUL BARI: No, Sir.

The question that clause 2 stands part of the Bill was put and agreed to.

Maulvi ABDUL BARI: Sir, you have left out my amendment No. 47 which is under clause 2.

Mr. SPEAKER: That amendment really comes under clause 3, and it is here only through a printing mistake and you ought to have noticed that. So, you can move it when clause 3 is taken up.

Clause 3.

Mr. SPEAKER: We shall now take up the consideration of clause 3.

Babu JATINDRA NATH BASU: May I point out at this stage that instead of taking up the consideration of clause 3 it may perhaps be better to take up clause 5 first, for in that case many of the amendments to clauses 3 and 4 may not be moved and the discussion will be restricted to a great extent.

Mr. SPEAKER: You want to take up clause 5 first? All right, I have no objection.

Sir Bijoy, have you any objection?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, I have no objection.

Mr. SPEAKER: Then we take up the consideration of clause 5.

Clause 5.

Mr. M. A. F. HIRTZEL: I beg to move formally that for clause 5 the following clause be substituted:—

5. (*1*) "Section 26D of the said Act shall be renumbered section 26D(*1*)".

(*2*) In the first line of section 26D(*1*) as renumbered, after the words "the landlord's transfer-fee shall amount" the words "during the remainder of the agricultural year in which this Act comes into force" shall be added.

(*3*) After sub-section (*1*) of section 26D as renumbered, the following sub-section shall be added "sub-section (*2*)": "In each successive agricultural year after the agricultural year in which this Act comes into force the landlord's transfer-fee shall, subject to the proviso to this sub-section, be reduced by an amount equal to one-tenth of the amount payable under sub-section (*1*) of this section:

Provided that the landlord's transfer-fee shall not at any time be reduced so as to be less than two-fifths of the amount payable under sub-section (*1*) of this section".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have to oppose this amendment on the general ground that the underlying

principle of the Bill is the abolition of the landlord's transfer-fee altogether, and this amendment suggests a gradual reduction of the landlord's transfer-fee to 8 per cent.

Mr. SPEAKER: Will it not be better to take up all the amendments first and then you may reply to them all in one speech?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe so, Sir.

Mr. SPEAKER: Mr. Surendra Nath Biswas, your amendment No. 363 really comes in under clause 6. Section 26G is a substantive section, and you want that section to be repealed? So that will strictly come under clause 6.

Mr. SPEAKER: Amendment No. 374 standing in the name of Mr. P. Banerjee really comes under clause 6.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, you have asked me to move amendment No. 378, but with regard to my amendment No. 363 I think I have made a mistake in agreeing to what you said with regard to it, viz., that it should come under clause 6. Clause 6 relates to the same section, viz., section 26G. Now, Sir, our motion was to delete section 26G from the Act.

Mr. SPEAKER: Quite right, but it will come under clause 6.

Mr. SURENDRA NATH BISWAS: Not under clause 6, I beg to submit. We may at the utmost say that clause 6 be deleted, and even if we delete clause 6, then section 26G still remains.

Mr. SPEAKER: No, no. I think the position will be that when clause 6 will come up for discussion, your amendment will be that section 26G of the main Act be deleted; therefore, this question will not arise. If the deletion takes place, then the amendment does not come in.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move amendment No. 378 which stands in my name.

Mr. SPEAKER: The first part of your amendment does not come in. That comes in under clause 6. The second part is in order.

Mr. SURENDRA NATH BISWAS: Then, Sir, I move the second part only now. I beg to move that for clause 5 of the Bill the following shall be substituted, namely:—

5. "(*1*) The following shall be substituted for section 26F of the said Act, namely:—

26F. (*1*) Except in the case of a transfer—

(*a*) to a co-sharer in the tenancy, or

(*b*) in execution of a decree or certificate signed under the Bengal Public Demands Recovery Act, 1913, for arrears of rent due in respect of the holding or dues recoverable as such,

the co-sharer tenant, if any, of the holding or the transferred portion or share may, within two months of the date of registration of the transfer apply to the court that the holding or portion or share thereof shall be transferred to himself.

(*2*) The application shall be dismissed unless such co-sharer tenant, at the time of making it, deposits in court the amount of the consideration money as stated in the deed of transfer together with compensation at the rate of ten per cent. of such amount.

(*3*) If such deposit is made, the court shall give notice to the transferee to appear within such period as the court may fix and state what other sums he has paid in respect of rent for the period after the date of transfer or in annulling encumbrances on the property. The court shall then direct the applicant and any person who has joined as a co-applicant under clause (*b*) of sub-section (*4*) to deposit within such period as the court thinks reasonable such amount as the transferee has paid on this account, together with interest at a rate not exceeding twelve and a half per cent. per annum with effect from the date on which such rent or the encumbrances have been annulled.

(*4*)(*a*) When the application has been made by a co-sharer tenant under sub-section (*1*) and there are more co-sharer tenants than one, any of the remaining co-sharer tenants may within two months of the date of registration of the transfer or within one month of the date of the application under sub-section (*1*), whichever is later, apply to join in the application of the co-sharer tenant aforesaid, and any co-sharer tenant who has not applied to join under this sub-section shall not have any further right of purchase under this section.

(*b*) The application to join as a co-applicant shall be granted if within such period as the court may fix not extending beyond the period referred to in sub-section (*4*)(*a*) the applicant deposits in court, for payment to the co-sharer tenant who has made the application under sub-section (*1*), such sum as the court shall determine as the share to be paid by him for the purposes of sub-section (*2*).

(5) If the deposits required under sub-section (2) or clause (b) of sub-section (4), as the case may be, and under sub-section (3) are made, the court shall make an order allowing the application and directing that the deposits made under sub-sections (2) and (3) shall be paid to the transferee or to such other persons as the court thinks fit.

(6) From the date of the making of the order under sub-section (5)—

(i) the right, title and interest in the holding or portion or share thereof accruing to the transferee from the transfer shall be deemed to have vested in the co-sharer tenant, whose application has been allowed free from all incumbrances which have been discharged or created after the date of the transfer,

(ii) the liability of the transferee for the rent due on account of the holding shall cease, and

(iii) the court on the further application of such co-sharer tenant may place him in possession of the property so vested in him.

(7) When a transferee is divested of his right, title and interest under the provisions of sub-section (6), he shall for the purposes of clauses (a), (c) and (d) of section 156 be deemed to be *raiyat* ejected from his holding by proceedings for his ejectment commencing on the date on which the co-sharer tenant applied to the court under sub-section (1).

(8) Nothing in this section shall take away the right of pre-emption conferred on any person by Muhammadan law."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise at this stage and say that Government are prepared to accept this amendment? Only I propose to suggest a different draft, and if it is acceptable to him it will obviate further discussion. Would he please examine the draft?

Mr. SPEAKER: Let the draft be examined now and I shall call upon Mr. Biswas later on with regard to this amendment.

The next group of amendments is exactly of the same type. I am referring to amendments Nos. 379-385. Will Mr. J. N. Basu move his amendment?

Babu JATINDRA NATH BASU: I do not move my amendment, Sir.

Maharaja SHASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha: Sir, I beg to move that this clause be deleted. Section 26D be amended as follows:—

In section 26D of the Bengal Tenancy Act, 1885, sub-section (*a*), add "where such transfer is in favour of a person who is not a cultivator and to one rupee where it is in favour of a cultivator" at the end of the sub-section (*a*).

In section 26D of the Bengal Tenancy Act, 1885, sub-section (*b*), add "where such transfer is in favour of a person who is not a cultivator and to one rupee where it is in favour of a cultivator" at the end of the sub-section (*b*).

In section 26D of the Bengal Tenancy Act, 1885, sub-section (*c*), insert "with another holding or portion or share thereof" between "of a holding" and "to 5 per cent." and add "where such exchange is between persons both of whom are not cultivator and to one rupee payable by each party where the exchange is between cultivators" at the end of the clause.

In section 26D of the Bengal Tenancy Act, 1885, sub-section (*d*), add "where such transfer is in favour of a person who is not a cultivator and to one rupee where it is in favour of a cultivator" at the end of the clause.

In section 26D, sub-section (*e*) of the Bengal Tenancy Act, 1885, add "where such bequest is in favour of a person who is not a cultivator and to one rupee where it is in favour of a cultivator" at the end of the clause.

The following be added at the end of clause 26D:—

> "Cultivator means a person whose principal occupation in life is agriculture and who cultivates land wholly or partly by himself, members of his family, or by hired labour."

In section 26E, sub-section (*2*), insert "where the purchaser is not a cultivator and to one rupee where the purchaser is a cultivator" between "such marked value" and "together with."

In section 26E, sub-section (*4*), insert "separately for each holding or portion or share transferred" between "if any" and "in the prescribed manner."

In section 26F, add after C as follows:—"(C) (*i*) to a cultivator".

In section 26F, sub-section (*8*), add "Provided that where the transfer is of a portion or share of a homestead land made to a person following a different religious faith from that of the transferrer, or where the transfer is of a portion or share of a holding which is situated within one hundred yards of a public place of worship, the immediate landlord of the holding or the transferred portion of share may, as provided in sub-section (*1*), apply to the court that the transferred

portion or share of the holding shall be transferred to himself, an thereupon sub-sections (2) to (7) will apply." "Provided also that i the case of a transfer by a co-sharer of the *raiyat* or under-*raiyo* having a right of occupancy to any person who is not a co-sharer i the tenancy, a non-transferring co-sharer shall have the right to notice from the transferring co-sharer giving him the first offer o purchase of the portion, or share of the holding proposed to be transfe red, and the price offered by the intending purchaser. The non transferring co-sharer refusing to pay the price stated in the notic within three months from the date of the receipt of the notice, th holding may then be transferred at the said price to the intendin purchaser, subject to the landlords' right of pre-emption as provide for in sub-section (7) and proviso just above."

Sir, it is declared that the present Bill is not going to propose radical change in the provisions of the existing Act, but as those provi sions have been found "to operate harshly on the cultivators", th Bill is introduced "to lessen the burden on the cultivators".

Sir, if the Bill had been really framed to give relief to the actua cultivators, it would have secured our sympathetic support. The provi sions of clauses 3 to 7 of the Bill are, "abolition of landlord's transfer fees and of the right of pre-emption". The landlord has been in th enjoyment of the right to choose his tenant from time immemorial The landlord's right to a *salami* or transfer-fee for the recognition o a transfer is an incident of that essential right, and it is being exercise from long before the Permanent Settlement. Sir, you abolish tha right altogether, and still you profess that it is not introducing an radical reform, but lessening the burden on the cultivators. It is no realized that in lessening the burden of one class, the rights of anothe class are being totally sacrificed.

Then, behind the "cultivator"—which word has nowhere bee defined in the Bill—we find provisions embodied for the benefit of all the intermediate tenants—*patnidars*, tenure-holders, and *raiyat*-land lords. The actual cultivators, however, are the *raiyat*-cultivators, and even more than these, are the under-*raiyats*. It has nowhere bee explained why these provisions benefiting the intermediate tenants have been introduced, and why a disguised attempt is being made to create another privileged body of landlords, with no rigours of the liability to which zamindars are subject, resulting in the virtual expropriation of the existing body whose contributions to the country's cause have been the foundation of society and many beneficial institutions. Is it realised that much of the hardship of these cultivators is due to the action of their immediate landlords, and that of the zamindars whose heads are now being demanded? As a matter of fact what do we find in the Bill? The *raiyat*-landlord and the under-*raiyat* having occupancy right by custom will have the benefit of the provisions of transferability and abolition of the clause of pre-emption, but the

under-*raiyat* not having occupancy right—and this class forms the majority of the tillers of the soil—will have no such rights. A *raiyat*-landlord will have the unrestricted right to realise *salami* from his under-*raiyats* without payment of any portion to the superior landlord, but the under-*raiyats* have not been given any corresponding benefit. There can be no suit within twelve months of a previous suit against the *raiyat*, but there is no restriction of time or period for the *raiyat* to sue his under-*raiyat*. The *raiyat*-landlord is provided with the opportunity to delay payment of rent by the provision of the abolition of the Certificate Procedure, but the *raiyat's* right to sue the under-*raiyat* under threat of ejectment must continue. The *raiyat*-landlords and under-*raiyats* having occupancy right by custom shall have the right to make lands rent-free, but the under-*raiyats* not having occupancy right are deprived of this questionable provision. The under-*raiyat* will continue to be under the clutches of his landlord, but the *raiyat* is going to get more power against his superior landlord, and is being given facilities for delaying payment of his just dues as much as possible. The under-*raiyat* whose rate of rent is also high is not being given any relief as to the rate of the enhancement of his rent. Will these provisions at all conduce to the preservation and benefit of the real tillers of the soil, who, by their manual labour, contribute to the wealth of the country, and who speaking in the true socialistic sense, should be the persons to be benefitted, if at all, by any such measure?

As regards pre-emption, this right is not a new right conferred on the landlord by the Act of 1928. When that Act was under consideration as a Bill, the power of zamindar against transfers or *raiyati* holdings was considerably curtailed, and as a matter of compromise the right of pre-emption was partly recognised. Enquiries if made would have shown that this right has not been exercised even in one in a thousand cases of transfer. Can this be called that the right has been operating harshly?

For these reasons I propose that clause 5 be deleted and the sections 26D, 26E and 26F of the existing Act be amended as above.

This motion I have put in purely to remove all future litigation and hardship between the sellers and buyers and also in order to stop any quarrel that may arise between the different sections following different religions.

Mr. I. A. CLARK: Mr. Speaker, I rise to support the amendment which has been proposed by my friend Mr. Crosfield and which contains a suggestion that the landlord's transfer-fee should be gradually scaled down till it reaches the figure which is laid down in the proposed amendment. Sir, only a few members of the European community are interested in agricultural land. Clause 5 in this Bill proposes to abolish the landlord's transfer-fee and the right of pre-emption. This

is a proposal which will affect the European community only to a smal and in fact, one might say, almost to an infinitesimal extent. Th members of my group, therefore, are able to approach this problen from an unbiassed point of view. But it has never been our policy t take an interest only in those matters which affect our pockets. W take a great and genuine interest in every problem which affects th interest of our fellow subjects in this province. We wish to see justic done to every member of the community, whatever his caste or creed whatever his occupation or calling. We on this side of the House d not consider that the proposals embodied in clause 5 do justice to on section of the community—I refer to the landlords.

Now, Sir, the proposals embodied in this section do not contain an suggestion of compensation. They do not even contain any suggestio that the landlords' fee should be reduced in a gradual manner so as t enable the landlords to accustom themselves to the changed conditions They propose to abolish rights which the landlords have enjoyed fo very many years by a stroke of the pen and in the twinkling of an eye This is a proposition to which the members of the European grou will never assent, whether it relates to the rights of the landlords or t any other minority.

Now, Sir, my friend the member from the Muslim Chamber o Commerce in his remarks on the amendment to refer this Bill to Select Committee referred to majority rule. So far as I could follow his argument, what it amounted to was that the majority of th members of this House are in favour of the abolition of the transfer-fe and the right of pre-emption and that simply ends the matter. respectfully beg to disagree with him. No democratic form of Govern ment is entitled to take away the rights of a minority. I would like t give Mr. Siddiqi, who is a commercial man, a little illustration take from the realms of commerce. It is a common thing to embody in th articles of association of a limited liability company a provision that on of the directors should resign his office if he is required to do so by al his co-directors or by an extraordinary general resolution. But, Si nowhere will it be found that either the board of directors or th members of the company are entitled to take away the shares by virtu of which he holds his office as a director. These they cannot tak away.

I have referred to the landlord's transfer-fee and the right of pre emption as rights. There are people I know who will not agree wit me. There are some people who say that in any case those rights wer only conferred upon the landlords in 1928—that is, only a short time ago. What has that got to do with the argument I frankly fail to see. In my opinion the landlords prior to 1928 had a very much greate right than they have now, because they were then entitled to refuse t

recognise a transfer of occupancy holding altogether. Naturally it was unnecessary for them to have the right of pre-emption. The question did not arise. The amending Act of 1928 embodied a fair compromise between the landlords and the tenants over the question of *salami* on the transfer of a holding. The landlords were a party to that compromise. It was only on the assumption that a further compromise might be arrived at at the present juncture and that the landlords might be prepared to meet the tenants to some extent as a gesture of good-will that we tabled this amendment. We have made that clear in the amendment which we have tabled to the preamble, where we suggest that these words hould be added thereto: "and whereas the landholders of Bengal have by their representatives in the Bengal Legislative Assembly signified their consent to the modifications in their rights under the said Act hereinafter set out." It follows that, if my landlord friends in this House refuse to have anything whatever to do with the amendment which I am now supporting, we have nothing more to say.

Sir, the compromise suggested by my amendment seems to me from the point of view of the tenant to be an eminently reasonable one. It proposes that in a comparatively short space of time the landlords' fee should, if based on the purchase price, be reduced from 20 per cent. to 8 per cent. and, if based on the rent, from 5 to 2 years' rent. I commend the amendment to the consideration of the House.

Mr. SPEAKER: As these amendments are not in order, it is rather difficult to find out which is which. Therefore I call upon Kumar Shib Shekhareswar Roy to move his amendment No. 260 which has a bearing upon the clause under discussion in the House.

Kumar SHIB SHEKHARESWAR ROY: Sir, I beg to move that after clause 4, the following be inserted, namely:—

4A. In section 26D of the said Act—

(*1*) for the words "twenty per cent." and the word "greater", wherever they occur, the words "ten per cent." and the word "less" respectively, shall be substituted,

(*2*) in the first proviso to clause (*e*) the words, figures and letter "or section 26E" shall be omitted,

(*3*) after clause (*e*), the following sub-sections shall be inserted, namely:—

"(*f*) when the holding of an occupancy *raiyat* or a portion or share thereof is sold in execution of a decree or a certificate signed under the Bengal Public Demands Recovery Act, 1913, other than a decree or certificate for arrears of rent

due in respect of the holding or dues recoverable as such, to ten per cent. of the purchase money or five times the annual rent of the holding sold or of the portion or share thereof sold, whichever is less",

"(*g*) when a mortgage of a holding of an occupancy *raiyat* or of a portion or share thereof is foreclosed, to ten per cent. of the market value or five times the annual rent of the holding or of the portion or share thereof whichever is less".

Sir, in moving this amendment incidentally I refer to clause 5 also. Sir, no valid reason has been made out yet for doing away with our rights to *salami* and pre-emption. The reason is simple. There is absolutely no logic behind such a demand. The only logic that is apparent to me is the logic of "might is right". We, the representatives of the landholders, are in a hopeless minority here. So our interests can be dealt with in any way it may be thought expedient by he rival political parties in their fight for supremacy over one another.

Sir, it is impossible for me within the short time at my disposal to race in detail the history of the question of transferability of occupancy holdings since the days of the Permanent Settlement. It will suffice to say that up to the passing of the Bengal Tenancy Act in 1869, the question was never raised anywhere.

The question came up for the first time before the Rent Commission of 1880, and they recommended the recognition of the right of transfer. When their report was published, this recommendation met with severe adverse criticism from all responsible quarters and, in the interest of the *raiyats* and landholders was rejected by the Government and found no place in the Act of 1885. I shall quote here only one authoritative statement from among many which may be found in the official reports published at that time. The following is taken from the minute of Chief Justice Sir Richard Grath, dated the 6th September, 1882:—

"My next objection is to the proposed transferability of occupancy-tenures without the consent of the landlord. For this proposal, so far as I know, there is no authority whatever. Such tenures have never yet been transferable except by special custom, and such a custom is very rarely proved.....

"There is no justification for this concession to the *raiyat* by reason of any usage of former times. It is not pretended that such tenures were transferable at the time of the Permanent Settlement; and the sole ground, as far as I can understand, upon which the proposal is now based, is that the quality of transferability will make the tenures more valuable.

"But it must be borne in mind that the value thus given to the tenant is a corresponding loss to the landlord; and even to those who have no regard whatever for the landlord's rights, it may still perhaps be worthy of consideration whether the value thus conferred upon occupancy-tenures will be any benefit to actual cultivators.

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"To a speculator or a landjobber the transferability of the tenure would no doubt add greatly to its value; but would this be so to the settled or resident *raiyat*, whom it is the object of the Government to benefit?"

This is perhaps old history. I shall now come to the state of affairs in 1921 when a Committee was appointed by the Government to examine the whole question of tenancy legislation and submit its recommendations. It consisted of 18 members with the late Sir John Kerr as its Chairman. Our esteemed colleague, the Hon'ble Mr. A. K. Fazlul Huq was one of its members and so was myself.

Now, Sir, let me read from the recorded proceedings of one of the meetings of the committee.

"The amount of the *salami* was then discussed. Suggestions varied from a uniform rate of 12½ to 33 per cent., whereas the members in favour of differential rates were willing to fix 20 per cent. and 30 per cent., respectively. The Chairman thought that a uniform rate of 25 per cent. would be very much more convenient than leaving it to Government to fix a different rate in each district".

The Committee discussed the question of pre-emption at another meeting and this is from the proceedings.

"In the end the majority agreed that the landlord should have the right of pre-emption within two months of getting notice of the transfer on paying the transferee the consideration money plus a certain percentage, but this right should not be exercisable when the purchaser was a co-tenant.....

The majority agreed that the compensation should be 10 per cent., including stamp duties."

In its report the Committee recorded as follows:—

"The pressing importance of the question is shown by the fact that the number of transfers of occupancy holdings effected by registered deed has risen from 43,000 in 1884 to over 250,000 in 1913, and with the growing pressure of the population on the soil, leading to an ever-increasing demand for land and an ever-growing rise in the value of land, transfers are certain to increase in number, whatever the law on the subject may be.....We are convinced that, as matters stand, the only remedy is to recognise the existing widespread practice of

transfer, and to admit the transferability of occupancy holdings subject to the safeguards necessary to protect the interests of the landlords and to secure the general welfare of the agricultural community. The transferee is required within two months to tender payment to the landlord of the transfer-fee, which may be deposited in Court on the conditions applicable to the deposit of rent and will be recoverable as an arrear of rent.....We have tentatively proposed to fix the transfer fee at 25 per cent. of the consideration money, because from the enquiries made by Government this appears to be the rate usually levied at present".

A joint note of dissent was, however, submitted by Mr. A. K. Fazlul Huq, Rai Sahib Panchanan Barma, Mr. Erfan Ali, Maulvi Yaquinuddin Ahmad and Babu Bhishmadev Das. They accepted the principle of the payment of *salami*, but suggested the following modifications:—

"(1) (*a*) Only one mode of assessment of the landlord's fee should be adopted either a certain percentage of the consideration money or a certain times of the annual rent, preferably the former.

(*b*) If the landlord's fee is to be fixed in the alternative form as it is, in place of the words 'whichever is more' there should be the words 'whichever is less'.

(2) The maximum rate but not a fixed one should be adopted.

(3) That the maximum rate should not exceed 12½ per cent. of the consideration money or three times the annual rent.

(4) In all cases of transfer whether in or out of Court the payment of landlord's fee should be a matter to be transacted between the parties.

(5) The existing right of transfer by *raiyats* of occupancy holding in any locality without landlord's consent should be maintained. The right is shown in the settlement records."

When the matter came up before the legislature a compromise was effected between the *raiyats* and hand-holders at the instance of the late Sir P. C. Mitter and Mr. A. K. Fazlul Huq and the rate of *salami* was cut down from 25 per cent. to 20 per cent. of the value of the holding.

Now, Sir, even admitting that the provisions of the present Act are operating harshly on *raiyats* and purchasers, may I ask of Mr. Fazlul Huq what has happened between 1922 and 1937 to alter the view which he held then? Surely nothing except that he and his party must overbid the congress irrespective of what that means to the land-holders. To be in line with the views of Mr. Fazlul Huq I have suggested certain amendments to the Bill which are even more

liberal than what he wanted in 1922, and I think that Mr. Fazlul Huq will now rise equal to the occasion and strong as he is he would no more surrender to the agitation of mischief-makers.

It is not possible for me on the present occasion to explain our position with regard to the provision about pre-emption. I can only say that it is more in the interests of the *raiyats* themselves that they should be retained. Statistics will show that we have never misused our rights in this respect.

Sir, we have an exceptionally strong case in our favour. In the present mood of the house we may not get justice on the floor of the House now, but I am almost sure that justice will not be denied to us by the authorities who when granting the new constitution was quite alive of the dangers ahead and have reserved ample powers to secure justice to the weak. Sir, when the other day Mr. Fazlul Huq talked of democracy and rule of the majority he conveniently forgot that the very democracy means nothing to him without a special communal electorate. And when Mr. Siddiqi pointed out to the Hon'ble Sir Bijoy Prasad Singh Roy, a representative of the landlords as the author of the Bill and accused me of uttering terminological inexactitudes, he perhaps did not realise that nothing could have been a greater travesty of truth and more cruel a joke than to set up the gallant Knight as an ideal before his party, very conveniently forgetting all the time what his leader, the Hon'ble Mr. Fazlul Huq, said about the Hon'ble Dr. Mahmud of the Bihar Cabinet. I have nothing further to say, Sir, and I hope my humble motion will be accepted.

Maulvi TAMIZUDDIN KHAN: Mr. Speaker, Sir, I rise to oppose both the amendments moved by the Maharaja Bahadur of Mymensingh and Kumar Shib Shekhareswar Roy. These amendments propose to retain the obnoxious landlord's fee and the right of pre-emption. I submit, Sir, that in moving his motion the Maharaja Bahadur said that the abolition of the landlord's fee and the right of pre-emption is nothing but an expropriation of some of the rights of the zamindars. The other day the Kumar Sahib said also the same thing, and I am sorry to say that some members of the Government also seem to think that some of the provisions of the present Bill are of the nature of expropriation of private rights. I repudiate the statement with all the emphasis that I can command. Where is the expropriation of any rights whatsoever in the provisions of this Bill? It is said that the right of pre-emption and the right of the landlord's fee are being taken away. Therefore it is expropriation. But what is the origin of those rights? That origin has to be sought in custom and nothing but custom. There are good customs and evil customs. So far as the evil customs of the world are concerned, it is well known that these evil customs have arisen on account of the evil disposition of mankind.

We know, Sir, that if custom itself gives sanctity to a thing, then slave trade should never have been abolished from the world. If custom is a thing of sanctity, then I think the disabilities under which women have been suffering and are still suffering under the various systems of law should never be done away with. In the name of custom anything evil could be defended. If this landlord's fee and the right of pre-emption can be defended, it can only be defended on the plea of an evil custom. These customs, where they existed, arose out of the zamindars' treatment of their weak *raiyats*. In this way, the custom arose. Therefore, is it any reason that these customs should not be done away with and these customs should be clung to in this age of progress? That is a question I ask of my landlord friends. It is said that these rights of the zamindars were existing even before the amending Act of 1928. I beg to submit that these rights never existed in a codified form before the Act of 1928. Sir, if it is said that there was a custom to take landlord's fee, there was also the other custom in many places in Bengal of the transferability of the interests of occupancy rights without any landlord's fee whatsoever. That custom was not recognised in the amending Act of 1928. Therefore, Sir, if the landlords can complain of the custom of landlord's fee being taken away now, the tenants can also speak of their customary rights having been taken away by the Act of 1928. (Kumar SHIB SHEKHARESWAR ROY: How?) The Kumar Sahib asks "How"; I have already answered that question and I am prepared to repeat my answer. There was the custom prevalent in many places of the transferability of holding before the Act of 1928 without any compensation to the landlord. That custom has been recognised in judicial decisions; in certain areas the rights of occupancy *raiyat* could be sold without any landlord's fee. That custom was done away with by the Act of 1928.

Sir, it has been stated that it is the majority rule that it is holding sway to-day. Was it not a majority rule that held sway in 1928? Kumar Shib Sekhareswar Roy said the other day that he with folded hands begged the majority party not to take away their rights. It was also in 1928 that the tenants with folded hands begged of the landlords not to impose such atrocious provisions in the Act of 1928. But in those days their's was a cry in the wilderness; the table has been turned now and rights are being wrested from the landlords for the people. Rights like water percolate downwards. A few years ago all rights vested in the Government, now the British Raj is giving some rights to the people. If they are doing so, does it not stand to reason that the landlords should voluntarily accede to the reasonable and just demands of the tenants. If they do not do that, I think far worse days are in store for the landlords. It is very deplorable to find that the Europeans who in this country are supposed to be not leaning towards any interest whatsoever have lent their support to the cause

of the landlords; and I am further grieved to say that a European member of this Assembly said in the course of his speech this day that the rights of landlords are going to be expropriated, and that what took place in 1928 was nothing but a compromise in the Council. I was a member of the Council in 1928 and I took some part in the debates that took place on the Bengal Tenancy (Amendment) Bill of 1928. I repudiate that statement with all the emphasis that I can command. If there was a compromise, it might have been made between the European members and the landlords, but there was no compromise between the landlords and the tenants' representatives. When the provisions regarding *salami* and the right of pre-emption were embodied in the Act, there was no compromise; on the other hand, if you, Sir, turn over the proceedings of those days, you will find that the tenants' representatives fought tooth and nail over those provisions and they called divisions on almost every point and you will find a clear statement of the objections made on behalf of the tenants to the provisions for *salami* and pre-emption to be found in that Act.

Kumar Shib Shekhareswar Roy has also said that there is no logic whatsoever in the demand of the tenants except the logic of "might is right". There is no might as yet in the hands of the tenants; the might is still in the hands of the landlords and the tenants are only demanding that the landlords should surrender some of the unreasonable rights that they have been enjoying, that they should yield to the reasonable demands of the tenants. If they do not, Sir, it is only they who will know what will take place in the years to come.

My friend the Kumar Sahib has accused the Hon'ble Mr. Fazlul Huq, the Leader of the House, that he has changed his attitude since the Committee of 1911, of which he was a member. I think the British Government and everybody have changed their views about the rights of the people and the Kumar Sahib himself admits that he has also changed his view by coming down from 25 to 20 per cent. and is even prepared to accept 8 per cent. as *salami*. No reasonable man can endorse those conservative ideas held by the Kumar Sahib, we should want to do away with the evil custom root and branch as early as possible. Therefore, Sir, there is no justification whatsoever for the demand of the landlords that the right of the landlord's fee should still be embodied in the statute book. Sir, it is quite in the fitness of things that the present Government has brought forward a measure purporting to abolish these abnoxious provisions of the old Act.

Sir, I would like to add one word more. The Maharaja Bahadur of Mymensingh has said that the under-*raiyat* have not been given enough rights under the provisions of this Bill. I agree that the under-*raiyats* have not been fairly dealt with under the provisions of this Bill. Is that a reason why rights should be denied to the occupancy *raiyats*? If the Maharaja Bahadur is reluctant to give rights to the *raiyats*, how

can I say that he will be sincere in his profession of giving rights to the under-*raiyats*? If really he is in favour of giving rights to under-*raiyats*, there are amendments tabled on the subject and I hope the Maharaja Bahadur will certainly support those amendments, although I know that in supporting those amendments he will have nothing to lose, but he will have something to lose in giving rights to the occupancy *raiyats* and that is the reason why he is so sore about the provisions of the Bill which he says will do away with the right of pre-emption and the right of landlord's fee. With these word I oppose these amendments.

Mr. RASIK LAL BISWAS: Sir, I rise to oppose the amendments moved by the Maharaja of Mymensingh and Kumar Shib Shekhareswar Roy and in this matter I endorse everything that has been said by Maulvi Tamizuddin Khan. A cry has been raised in this House about the expropriation of the interests of the zamindars and encroachment on the rights of the minority community. I think it is done in order to create grounds for an appeal to the higher authorities by the defeated landlords. The whole of what those gentlemen say are misleading. If we trace the history of the Permanent Settlement and the behaviour of the zamindars to the *raiyats* we shall find a very deplorable state of things in this connection. It is misfortune that highandedness and illegal exactions by the zamindars for centuries should be treated in some quarters as a long-standing custom. Before the Permanent Settlement the zamindars were not the proprietors of the land. They were only rent collectors and their share was never more than 10 per cent. of the rent collected. The rental before the Permanent Settlement was very small. In 1548 the land revenue of the province of Bengal was settled by Raja Todar Mull, the Dewan of Emperor Akbar, at Rs. 1,06,93,152; in 1762-63 at the time of Nawab Mir Kasim the revenue was Rs. 64,56,198. Then, in the year 1765-66 when the East India Company had taken over the Dewani the revenue was Rs. 1,47,48,075 and then in the year 1790-91 the revenue was Rs. 2,68,00,989. The revenue was raised at that time because a large amount of *abwabs* was consolidated with the rental. The above figures were 90 per cent. of the total rental collected at that particular times. Now, Sir, the rental has been increased to Rs. 17 crores (legal) and the illegal amount comes to about another 12 crores while land revenue stands the same as in 1791. The landlords' fee and other fees which the zamindars claim as their legal dues are nothing but illegal exactions. These were legalised by hook or crook. When the zamindars took Permanent Settlement from the East India Company they were not empowered by the statute of Regulation I of 1793 or by any other Regulation to impose this sorts of fees on the *raiyats*. The zamindars did all hese things by sheer force of their strength and *zoolum* for ages and beaurocracy helped them. But at the present moment the table

has turned, as has been pointed out by many of my friends. The zamindars have been enjoying this right and have been oppressing the *raiyats* up till now. There must be a time-limit to their oppressions, and they will yet have to see what sort of things are going to happen in future, regarding the land administration of this country. The zamindars may be a minority community, if they are a community at all, but in the present Cabinet, they are in the majority. Out of the 11 Ministers as many as nine are in their favour—there are seven zamindars and two capitalists amongst them. (A VOICE: Who are the remaining two?) You know who they are. The Revenue Minister and another of the Cabinet are representatives of the zamindars only. They initiate and support the measures of the Bill. Therefore the question of expropriation does not come in at all. To abolish this landlords' fees is to abolish one legalished *abwab*, and if Government has now come forward to do it, it is because good sense has, at last prevailed upon them. So long they have been overshadowed by zamindars and their brothers-in-law, the capitalists; now the Government have become more popular than before and they have now begun to feel the pulse of the country; they have therefore come forward to accede to the popular demands however small it may be. They are doing the right thing, and I hope in future they should do it fairly, keeping in view the popular demands in fore-front. Sir, the zamindars have got no legal reasonable claim for any fee on the transfer of their tenants' lands. So I oppose the amendments.

Mr. DHIRENDRA NATH DATTA: I put that the question be now put.

Mr. SPEAKER: Members will realise that nobody is more anxious than I am that there should be an expeditious despatch of business. I think, however, the entire crux lies on this particular section of pre-emption. In view of that fact, and especially as two members of the European group as well as some of the landlords and industralists want to speak, I think I should allow them to do so. I shall first allow two members of the European group, then Mr. Khaitan and then the Hon'ble Sir Bijoy Prasad Singh Roy to speak and then I shall terminate the debate on this question.

Mr. J. B. ROSS: I rise to support the amendment now before the House.

I regret that I was not in the House when my friend Mr. Clark spoke and therefore I may cover some of the ground with which he has already dealt for which I respectfully claim your indulgence.

In moving that the Bill be taken into consideration the Hon'ble Minister made a statement that the amendments to the Bengal Tenancy Act which Government seeks to impose through this Bill take away

the privileges conferred on landlords by the amending Act of 1928 and that in his opinion the provisions of the Bill are fair and just. He did not however inform the House that in the Act of 1928 the right to a prescribed transfer fee and the right of pre-emption were conferred on landlords in the nature of compensation for the loss of certain other rights possessed by them of which they were deprived when the right to transfer was granted to the occupancy raiyats.

It appears to me logical therefore that if the transfer fee and the right of pre-emption are abolished, as will be the case if the Bill is passed as presented to the House, the right of the raiyats of transfer should again be restircted. What do we find however—no reversal of the privilege conferred on the raiyats but instead a proposal to confer the same right on the occupancy under raiyats, a proposal which in my opinion will broaden the basis of speculation in land not only to the detriment of the zamindar but also to the detriment of the under-raiyats and his land; the landlord having no power to intervene.

So far as my information goes, Sir, the Hon'ble Minister himself belongs to the "genus landlord" and as, even to a layman like myself, the Bill is manifestly onesided and savours of legislation directed mainly against landlords as a class I am constrained to think that my friend the Hon'ble Minister feels safe in the knowledge that the Bill, whether passed by this House or not, will never become law, or else that he is not in a very happy position in being responsible for the piloting of a measure through this House in which, if he is true to himself, I think he must see little that is fair and just.

To those who have to rely on an agricultural constituency for their seat in this House land reform is an electioneering counter ready to hand. Many of my friends over there came to this House pledged to prune the interests of the landlords. This Bill merely seeks to give effect to these pledges but I doubt if Government ever intended to go as far with it as they have been forced to do by their supporters.

This Bill, particularly if effect is given to clause 5, will prepetuate and increase the numbers of non-agricultural parasites who batten as middlemen on the labour of the tillers of the soil.

Amongst these parasites moneylenders and land speculators and pleaders will loom large but owing to the withdrawal of the right of pre-emption the owner of the land, the man responsible to Government for payment of the land revenue will have no power to prevent his land from becoming a speculative counter to its ultimate ruin as well as that of the cultivator. He will have no remedy open to him to stop the rot.

So far as transfer fees are concerned, I think that these are in fact scaled rather high. They are however a right secured to the landlords by the Act of 1928 for good consideration and therefore their abolition is wrong in principle. In fact I should describe abolition as proposed

in the Bill before the House as nothing more or less than expropriation. For this reason we in this group have recommended that the rate of transfer fee be scaled down by the gradual process of a reduction of 10 per cet., each year until the figure of 2/5ths of the present rate is reached. I wish to make it clear as my friend Mr. Clark has already stated that we put forward such a proposal subject to its full acceptance by the landlords. This would in our view provide all the adjustment on this question which is necessary. Our desire is to preserve the landlords' rights, as indeed the rights of all communities must be preserved, if popular Government is to function successfully, and in accepting this proposal Government would absolve themselves from the charge of expropriation to which they will certainly be open if the Bill is passed in its present form.

Whilst it is not difficult to undestand the demand for reduction, or in the extreme, the abolition of the landlord's transfer fee I have been quite unable to find any good or sufficient reason for depriving the landlords of their right of pre-emption. In most countries this is considered an essential feature of the relations between landlord and tenant. It has been in force in Europe for many years and has in fact been enacted in several countries since the last war. If the interest of the landlords in their zamindari is to be maintained this right of pre-emption must be kept for them otherwise they become nothing more than rent receivers responsible to Government for the payment of land revenue but with no power to prevent the deterioration of their lands. It is iniquitious that Government should propose to place the landlords in this position. The right of pre-emption maintains the value of land which is not only to the benefit of the landlord but of the *raiyat* and cultivator also. How its abolition will benefit the tillers of the soil as the Hon'ble Minister has indicated I confess I am quite unable to see. I can only assume therefore that the members of the House who are so enthusiastic about this part of the Bill have not the interest of its tillers of the soil at heart but are directly encouraging the depression of land values and the prosperity of an increasing number of middlemen, petty but tyrannous landlords, who more than ever will batten on the cultivator.

I therefore, Sir, support the amendment before the House.

Mr. D. P. KHAITAN: Mr. Speaker, Sir, my only justification for taking part in this debate is that I am neither a landlord nor a tenant of Bengal and that therefore I, can bring to bear on the problem a detached view. Sir, as has been stated, prior to the Act of 1928, the landlords by a custom had the right to refuse the registration of a transfer made in his books or he could charge whatever *salami* he liked in recognition of the transfer. Sir, my friend, Mr. Tamizuddin Khan, has said that that was only a custom, and that if an evil custom grows up, it should be eradicated. May I remind Mr. Tamizuddin Khan

that even a bad custom—and I am referring to the case of transfer fee, —has to be eradicated rather slowly. He has adverted to customs about women. May I remind him of what happened to Amanullah when he tried to revolutionise his country by eradicating the bad custom of purda amongst women? (Hear, hear). Whatever custom comes into existence, good bad or indifferent—does so after a large number of years and it becomes a part of the people and of the country in which it comes into existence. They become a part, as it were, of the religious customs of the people of the country in which they come into existence. And, Sir, it is very desirable to see that these customs are not eradicated suddenly; otherwise what happens is this, that although on the basis of previous customs, and although on the basis of the Act of 1928, a large number of transactions have taken place, whether they be by deed of purchase or mortgage or lease, or of any other nature whatsoever, all the value of the rights obtained by the transferees under those documens, will be seriously affected if the Act of 1928 be absolutely done away with. What I find, Sir, is that the opposing parties are not opposing a reform of the position wholesale. If you look at the amendment moved by the Maharaja of Mymensingh, you will find that he wants to bring it in conformity with the Statement of Objects and Reasons, that have been set forth by the Hon'ble Minister himself. If honourable members would refer to the Statement of Objects and Reasons, they will find that it is stated there that the object of the Bill is not to attempt a radical reform of the existing system of land-tenure, but to lessen the burden on the cultivator by making the amendments to the law which appear to be most urgently required.

Sir, when one refers to the Bill itself, one is in difficulty to find whether the Bill is really framed for the benefit of the cultivators for whom it was designed, or sought to be designed, or proclaimed to be designed, but it is really in the interests of the intermediaries against whom in commercial matters one hears a very good deal. The Maharaja of Mymensingh has expressly provided in his amendment that so far as the cultivator is concerned no transfer-fee higher than Re I should be charged, but he does not want to alter the law in regard to intermediaries, because the Statement of Objects and Reasons says that the Bill is designed for the benefit of the actual tillers of the soil—an expression which influential members of this House often use as the persons for whose benefit they have come to this House. If that is so, the amendment of the Maharaja of Mymensingh should be accepted. If that be not acceptable, there is the amendment of the European Group which would like to have a gradual reduction in the amount of the *salami*, varying each year and ending with 8 per cent. instead of 20 per cent. That, Sir, is a very reasonable compromise. It cannot be said that any party in this House is very anxious to continue an evil custom. If gradual reduction is not wanted, you

have the amendment of Kumar Shibshekhareswar Roy who is willing to come down to 10 per cent., immediately from 20 per cent. These are all amendments which seek to give relief. Both the European Group's amendment and the Kumar Sahib's amendment seek to give relief as much to the intermediaries as to the cultivators, and the Maharaja of Mymensingh's amendment gives immediate relief to the cultivators themselves, though he wants to treat intermediaries in the same position as landlords themselves.

As regards pre-emption, much has been said, but one thing that I am amazed to find in this House is that the law of pre-emption which many people do not know has been taken from the Muhammadan Law is now sought to be done away with so far as the Tenancy Act is concerned. Sir, it is pre-emption that is eminently recognized by the Muhammadan Law and it has had very good results. (A VOICE: Why do you accept only the pre-emption law of the Muhammadans?) Oh, I am prepared to accept many other things.

Mr. SPEAKER: I shall now have to adjourn the Assembly for prayer. Mr. Khaitan, you can continue your speech after the House meets again.

Mr. D. P. KHAITAIN: But I have finished, Sir.....I have nothing further to say.

Mr. SPEAKER: The House now stands adjourned for 15 minutes for prayer.

The House was then adjourned for 15 minutes.

(After adjournment with Mr. Deputy Speaker in the Chair.)

Mr. ABDUL LATIF BISWAS: Mr. Deputy Speaker, Sir, I rise to oppose all the amendments by which some honourable members propose to keep the *nazar* and the pre-emption intact. Sir, Kumar Shibshekhareswar Roy said that no logic had been shown to do away with the *salami* and the pre-emption. My friend has also said that justice which he demands cannot be expected in this House. I know and I believe that when he speaks of justice he cries for the blood of the tenantry of Bengal. Sir, as regards the logic, to which my friend has referred, I find that we the representatives of the people of this province do not agree that landlords have any right to proprietorship in the soil. It is not we, Sir, who deny this right, but it is History which denies that the landlords have ever had any proprietory rights in the soil. (Cries of "Question"). My friend is questioning me. If my friend tries to go through History before 1793. if my friend tries

to follow the ancient law under the Hindus and under the Muhammadans, my friend will be convinced that proprietorship was not admitted by the law even in favour of the Kings. History says, Sir, that the tillers of the soil are the proprietors of the soil, and even Governments are not declared by the law to have any proprietary rights in the soil. Of course, the Government had some share in the produce of the soil, but not as the proprietors of the land. This produce of the soil which they received was in return for certain services rendered to the people such as drainage, irrigation, and protection from danger, etc.

No doubt a share of the produce went to the Government in return of service, no doubt a share went to the Government under the laws of Bengal, but the landlords had no right of proprietorship in land. If Government had no right in the soil how could the Government by a stroke of the pen confer this right upon the landlords. Motions by which the salami and the pre-emption have been proposed to be kept intact require denouncement by and unqualified condemnation of the House. These amendments betray the mentality of the class that has been sucking the life-blood of the people for over a century and tyrannising over the peasantry and tenantry of Bengal. These motions aim at the perpetuation of the exploitation by the landlords who were brought into being by the touch of the magic wand of Lord Cornwallis in the year 1793. History teaches us that this anomalous system of the landlords was brought into being in 1793 for some reason and the reason is this: that owing to the want of proper appreciation of the laws of Bengal and owing to the keen desire of Lord Cornwallis to create a class who would form a bulwark for the Government, this system was created by the touch of the magic wand of Lord Cornwallis. Sir, when Lord Cornwallis in an evil and unfortunate moment declared these landlords —the class of people who were at that time realising rents as tehsildars or collectors of revenue—to be proprietors of the soil, he expressed the hope that they would adopt measures which would bring about improvement of the soil and amelioration of the condition of the people of this province. Lord Cornwallis then thought that the measures which would be adopted by these landlords would bring prosperity to the peasantry and tenantry of Bengal. Sir, I here ask my friends opposite who have clamoured for keeping that right intact what they have done during the course of the last century (cries of "not opposite"). I mean my friends to my right including the European group who want to keep that right intact on behalf of the landlords and thus one vested interest is going to save the vested interest of the other.

As I have already said I should like to ask my friends the movers of the amendment what they have done during the course of a century and a half to justify the confidence reposed in them by Lord Cornwallis in the year 1793. I know, Sir, they cannot answer this question placing

their hands on their breast. I know if they have to answer the question they will not be able to do it with a clear conscience, and they cannot clear themselves in the eyes of the public. I know that the bar of the public opinion will not excuse those gentlemen for their acts of omission and commission. No doubt these gentlemen have done something—and what is this? Sir, these gentlemen by their culpable neglect to adopt measures to improve the condition of the soil, by their systematic neglect to improve the condition of the tenantry and peasantry of Bengal have totally destroyed the prosperity of Bengal: they have ruined the tenantry of Bengal. They have been exacting over Rs. 16 crores in return for the payment of Rs. 2,32 lakhs. So save and except realising *abwabs* and other illegal exactions they have done nothing for the tenantry. They have brought ruin to the cause of nation building. The lamentable side of the picture is that many of the landlords leave their tenants in the step-motherly care and at the mercy of their officers, while they themselves move about the metropolis and the cities in luxuries and enjoyments which may be questionable. Some of the landlords have gone to England and built palaces there and in other places and are spending the money in a reckless way while some of their representatives are clamouring here in this House for keeping their vested rights. It is solely due to their culpable neglect and their reckless way that the granary of the east has been turned into a permanent abode of famine.

Sir, I would ask them to show sympathy towards their tenants: I ask them to rise equal to the occasion and come forward with olive branch in their hands and declare now and here that they do not want the salami. Let them declare that they do not want the salami, whether they have got a right over it or not. If they do that they will earn the goodwill of the whole tenantry which is more valuable and worthy than the salami or right of pre-emption.

Sir, I predict here that if these gentlemen persist in following the disastrous policy—if they persist in this cruel-hearted policy, I am sure that the Nemesis will overtake them, and that the time is not far distant when they will have to pay the penalty for their endless sins of omission and commission. Sir, Kumar Shib Shekhareswar Ray and some of the gentlemen of the European Group also have referred to the Act of 1928 as a compromise. May I ask my friends what was the compromise—between whom the compromise was arrived at? Was it a compromise between the landlord and their representatives in the Council to follow one course of action, compromise of those landlords themselves who were sitting high and looking down on their tenants whose life-blood they were sucking and whose life-blood they tried to suck by legislation?

Then, Sir, one gentleman of the European group has said that if the pre-emption is done away with by the members of this House it will

encourage depression of the value of land. I am unable to follow the logic of his argument: I am unable to follow the economic principle which my friend is enunciating. If pre-emption goes I cannot understand by what strength of imagination my friend can say that the value of the land is going to decrease. I am helpless and I am unable to understand the argument put forward. One answer to this argument and the only logical answer is that the blood is thicker than water.

My friend Mr. Khaitan said that he is not a landlord in Bengal. From his own statement it follows that although he is not a landlord in Bengal he is a landlord at some other province. Members of the same community whether they live in England, Germany or in Russia will have love and affection for their brethren in Bengal. That is why Mr. Khaitan has come forward to support this amendment.

My friend Kumar Shib Shekhareswar Ray said that one class is going to be benefited at the cost of others. May I ask my friend which class is going to be benefited at the cost of another? Does he mean that the tenants or the peasantry are going to be benefited by the sacrifice of the landlords? May I ask my friend sitting over there where the landlords were before 1793. Certainly they were then collectors and tehsildars for collecting revenues. History says that is the fact—that is the truth.

Rai HARENDRA NATH CHAUDHURI: Your history—your ancient history says that.

Mr. ABDUL LATIF BISWAS: It is the history that is taught and it is not the history which my friend over there getting inspiration from his teacher. It is not the inspiration which my friend has got when he went over there with a book in his hand. I have already said that one thing has pained me and is still paining me and that is that the Congress group who are helping the tenants are also helping the Kumar Saheb (Question). I saw Kumar Saheb sitting there and running up to Rai Harenndra Nath Chaudhury with a book in his hand to get his inspiration from him.

Dr. NALINAKSHA SANYAL: Is he untouchable? Congress does not recognize untouchability.

Kumar SHIB SHEKHARESWAR ROY: Am I untouchable?

Mr. ABDUL LATIF BISWAS: I do not say you are untouchable or anybody is untouchable. There is no untouchability in the religion of Islam; we look upon every one as equal in the eyes of God—

(Here the member having reached the time-limit resumed his seat.)

Mr. ATUL KRISHNA GHOSE: I do not endorse his views. Is it fair to impute motive on the Opposition Bench that they are secretly helping the landlords?

Mr. DEPUTY SPEAKER: His time is already up and the matter is closed.

Babu NARENDRA NARAYAN CHAKRABORTY: (The member addressed the House in Bengali. In the course of his speech the member was criticising the actions of the European members.)

A European Member: On a point of order, Sir. I think at any rate when the hon'ble member is criticising the European group he should at least deliver that part of his speech in English.

(VOICES FROM CONGRESS BENCHES: Learn Bengali in Bengal.)

Mr. DEPUTY SPEAKER: I am afraid I cannot stop him from speaking Bengali.

(The member continued speaking in Bengali).

Maulvi ABDUL BARI: On a point of order, Sir. Is my friend in delivering a lecture in this fashion speaking on the amendment or is he delivering a Congress lecture on a Congress platform?

Mr. DEPUTY SPEAKER: Order, order.

Mr. F. C. BRASHER: Mr. Speaker, Sir, in supporting this amendment may I first of all take the opportunity of endeavouring, if I can, to dispel two apparently popular misconceptions. If I understand Mr. Narendra Narayan Chakraborty correctly, he says the European Group is acting at the behest of the Midnapore Zemindary. Nothing is farther from the truth than that. May I point out that the Midnapore Zemindary Company has very large numbers of Indian share-holders and may I add that I understand from the Company that it anticipated that it is less likely to be affected by the Bill than most of the zemindary interests in Bengal. The other misconception was voiced by my hon'ble friend Mr. Abdul Latif Biswas. He said that one vested interest was coming to the help of another. Again I must deny that statement and I would like to put it on record now that it may remain on record in the proceedings of this Assembly for all time that the European Group is interested in the interests of the province as a whole and not of one party or sect or community or creed. We believe, Sir, that our presence here, our interests here, everything we have to do here depend upon the prosperity and contentment of the province as a

whole. I would therefore like to say this, we are prepared to support any Bill or any measure which we believe is in the interests of the cultivators as such. We do not believe that this Bill is in the interests of the cultivators. We believe that the general effect of it will be to create yet another class of middlemen. I would like to know what proportion of occupancy raiyats at the present time are actual cultivators of the soil and I would like to know whether that number during the past few years has increased or decreased. I believe that the answer would be that it has very materially decreased.

Now, Sir, I would like, if I may, to make a few remarks on the subject of pre-emption which has already been touched on by my hon'ble friends Mr. Clark and Mr. Ross. As I understand pre-emption the objection to it is this: that whilst the landlords' transfer fee remains at its present level it would be used by an unfair or an unjust landlord for the purpose of extracting a higher transfer fee. If we accept that contention, who is it that benefits? The landlord may benefit but does not the actual occupancy raiyat benefit also unless he and the purchaser of the occupancy right have agreed to insert in the sale deed a smaller consideration than the true value. I believe, Sir, that in some parts of Bengal this is unfortunately a common though perhaps understandable practice. But let us see the effect of the amendment of this clause as a whole. It means a very substantial reduction in the landlords' transfer fee and the greater the reduction in the landlords' transfer fee the less encouragement there is to use the right of pre-emption unfairly. Let me go as far as to accept the proposition that the House will abolish the landlord's fee entirely. What then is the position as regards the right of pre-emption—who benefits by it? In the first place, I think that a bad landlord, who has no interest in his property, will find no benefit from the right of pre-emption because he cannot exercise the right in order to extract a higher transfer fee. What is the advantage in the case of a good landlord? It seems to me to be twofold. In the first place, if the landlord finds that a tenant is getting a much smaller price than what the sale-price ought to be, he can exercise his right of pre-emption. What is the result of that? The very least which the tenant gets is another 10 per cent. on the value as stated in the transfer deed. Is that militating against the tillers of the soil? I should have thought that it was militating against the rights of the middlemen who come in in times of agricultural distress and poverty and buy up these holdings for as small a price as they possibly can and who, to use the picturesque phrase which has very often been used in this House during this debate, "have been grinding the face of the poor" by taking advantage of such conditions.

In the second place, Sir, if holdings are to be sold at low prices either through extortion or through economic distress, is that going to

benefit the other holders in that area? I should not have thought so, because the result will be a general decrease in the value of their lands. Does this mean that pre-emption benefits only the landlord himself? I should have thought again that the answer is "No", because it is in the interests of the landlord to maintain the value of the properties in which he and his tenants are interested. I say this to the House: it has before it three amendments—amendments which, I suggest with the utmost respect, are reasonable ones and worthy of consideration. The Hon'ble the Prime Minister on the first day of this debate said that every proposal would be considered carefully and every point of view would be considered in detail. Have we had an opportunity of considering carefully these proposals in detail? I see my friend the Finance Minister making a hurried note. I hope that he will have a satisfactory answer to that question. If he can say that we have had such an opportunity I would in advance most heartily offer him my congratulations, because with the exercise of the utmost ingenuity I have been unable to find such an answer. As I have said before, there are 3 reasonable amendments which the House has to consider. We submit also that these amendments are as much in the interests of the tillers of the soil as anybody else. We submit further that these amendments may be against the interests of the middlemen. Is it the desire of this House to support the interests of the middlemen—interests which are entirely contrary to the interests of the unfortunate tillers of the soil which this Bill is said to protect?

This House has been told that the criticisms that have been made against this piece of legislation are not justified. If this Bill goes through as it is, by virtue of the Government majority, without proper and reasonable consideration, is that going to be an achievement of which this House will be able to feel proud? I very much doubt it. I have not heard anybody contradict what I have just suggested; I would appeal to this House to remember that after all we all of us are engaged in making history. We should all of us be engaged in trying to set up high traditions, a high standard of debates and a high standard of consideration of legislative measures. This is the first important measure which has come before this House. I agree that there is a great deal to be said on both sides. But are we being given an opportunity of offering dispassionate and reasoned views? I very much doubt it.

Sir, if this Bill is passed merely by a majority of votes, are we setting up a standard for this province to admire and for our successors in this House to follow? Are we able to say that the first Bill of any importance that has been placed before this legislature is a solid piece of constructive work which is in the interests of the province as a whole. (Applause).

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I oppose the amendments which have been moved by my two Zemindar friends and one of the members of the European group. These amendments are directed to oppose Government measures as proposed in clause 5 of the Bengal Tenancy Amendment Bill. Clause 5 of the said Bill proposes to do away entirely with the right of pre-emption and the right of taking salami on transfer of the holding by the landlords from the transferees. Now, Sir, I submit that these two measures are calculated to benefit the agriculturists of Bengal, as by doing away with the right of pre-emption and that of salami it is expected that the value of lands in Bengal will be increased. Some of my European friends are laughing and I think my Zemindar friends will disagree with me. But I say that these two groups of gentlemen are not in favour of having a prosperous tenantry in Bengal. The Europeans have come here to exploit Bengal. They have come here to utilise their surplus money in a country where they can get cheap raw materials and cheap labour. If the tenantry of Bengal be prosperous, they will be deprived of these two privileges and therefore the European members are now wholeheartedly supporting another class of exploiters, namely, the Zemindars. I say, Sir, the honourable Kumar Sahib is not in favour of a prosperous tenantry in Bengal (Kumar SHIB SHEKHARESWAR ROY: Question). The Kumar Sahib questions me now but he had shown that kind of mentality by resigning his seat on the Cabinet at the time of passing of the Primary Education Bill. These two kinds of exploiters are joining together because their interests are practically the same and it is no wonder that they will sail in the same boat. These two groups are now showing some sort of love for the tenantry of Bengal. I say it is not practical sympathy but it is that kind of sympathy which I show to my domestic fowls. (Several voices: Crocodile tears.)

Sir, I now come to the merits of the amendments themselves. I would say that the arguments put forward by my honourable friends do not hold good. There is no truth in their statement about the question of expropriation. The Permanent Settlement regulation did not give any right of taking salami from the tenantry of Bengal. After the passing of that legislation the Zemindars took by force some money from the tenantry when they transferred their lands and in this way some custom grew up and that custom grew up into law very recently. There was nothing like it in Bengal before; now as to pre-emption. A kind of pre-emption was sanctioned in the Muhammadan law; and when the Zemindars found that they would be benefited by a similar measure, they adopted it for their own interest. My friend, Mr. Khaitan, said that it was adopted from the Muhammadan law and therefore we should not oppose it. I submit that his love for this law is not sincere. Instead of accepting this piece of legislation alone from the Muhammadan law I would suggest that he should

adopt also the *zakat* system of the Muhammadans, which compels capitalists to keep away one-twentieth part of their wealth for the poor. If he accepts this, he will benefit the poverty stricken people of Bengal and thus open the Gates of Heaven, for himself.

Now, Sir, the Kumar Sahib spoke about some mischief-makers. I am hearing this word for the last few hours in the House. These mischief-makers or rather group of mischief-makers, as far as I understand, are none but our Proja Group on this side of the House. The provisions of the Bengal Tenancy Act as embodied in the Bill were circulated for discussion privately by the Hon'ble Revenue Minister to some of the members. Some agitation was started by us in the papers: subsequently some changes were made in the provisions of the Bill until it took the present form. This fact has practically been admitted by the Hon'ble Chief Minister the other day when he referred to the mischief-makers. If that be mischief-making at all every one of us in this House should be a mischief-maker. We directed our energy particularly to two points embodied in the Bill. First, we referred to the *nazar salami* and in order to do away with that we published certain articles in newspapers. We also agitated against the select committee as was in the contemplation of Government at an earlier stage and proposed the immediate consideration of the Bill. If this be mischief-making I am ready to be called such mischief-maker hundred times more if directly or indirectly I could have changed the nature of the Bill. In this connection I would refer to the history of this kind of select committee proposed in 1921. The Bengal Legislative Council by a resolution passed on the 7th of July 1921 recommended the appointment of a committee to consider what amendments were needed in the Bengal Tenancy Act. The committee was appointed by Government in August 1921. They presented their report on the 19th December 1922 together with a preliminary draft of a Bill to amend the Act. The draft was circulated and modifications were made and eventually a Bill was introduced in the Council by Government on the 3rd December 1925. The Council referred the Bill to a select committee consisting of 18 members—here they proposed 34 members, I think,—and the select committee submitted their report altering the Bill in some material particulars but the members were far from unanimous in their views and 13 of them signed notes of dissent. Government was therefore unable to accept the Bill as revised by the select committee without further examination and so referred the matter to an informal sub-committee over which Sir Nalini Ranjan Chatterjee presided. As a result of the advice given by this committee a Bill was prepared and it was this Bill which with some slight modifications became the amending Act of 1928. It was passed by the Council on the 4th September 1928, received the assent of the Governor-General on the 14th December and was published in

the "Calcutta Gazette" on the 21st February 1929. This is the history of the select committee of the Bengal Tenancy Bill of 1928. If the present select committee were appointed, I think history would have repeated itself and it would have taken some ten years more to have an actual amendment of the Act——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Is it at all relevant? Are we discussing the select committee now?

Mr. SPEAKER: Will Mr. Sarkar please confine himself to the amendment under discussion?

Mr. ABU HOSSAIN SARKAR: I submit, Sir, our so-called mischief-making has not been for the sake of mischief-making but for doing some good to the cabinet, to the House and to the tenantry of Bengal.

With these words, Sir, I oppose the amendments of Mr. Clark and Kumar Shib Shekhareswar Ray, and I support the original clause as proposed by Government.

Kumar Shib SHEKHARESWAR ROY: On a personal explanation Sir. With regard to the statement by Mr. Abu Hossain Sarkar that I resigned my office of Ministry in the interests of the zamindars I should like to tell him that his statement is far from truth.

Dr. NALINAKSHA SANYAL: I move that the question be now put.

Mr. SPEAKER: I am afraid now that the closure has been moved by Dr. Nalinaksha Sanyal. I will accept the closure motion after the Government member replies but before doing so I would like to know if the closure motion should be accepted. (Several voices—No, no. I should like to know who are against the closure motion.

(There was no one against the closure motion.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not propose to lose myself in the labyrinth of argument over the genesis of the landlord's right to transfer fee or the right of pre-emption. The right might have its genesis in custom but so far as I am aware it was since 1928 certainly a statutory right. Before that also it was a right recognised by the judiciary of this country. But that is hardly relevant at this stage. I can assure the House that the object of Government in moving for the abolition of the landlord's transfer fee

and the right of pre-emption is not to deprive the landlord of his valuable rights in land or to challenge his right of ownership. It is only to give relief to the agriculturists——

Mr. T. C. GOSWAMI: Not to the agriculturists but to the occupancy raiyats.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Maharaja of Mymensingh in moving his amendment tried to make out that it was not going to benefit the agriculturists or the cultivators. One fact I would request the House to bear in mind that only one-tenth of the whole area is under under-raiyats, the nine-tenths being under occupancy raiyats. (Dr. NALINAKSHA SANYAL: That makes the position worse because there are bhagidars). I would request Dr. Sanyal to listen to me with patience. There are nine-tenths of land under occupancy raiyats and one-tenth under under-raiyats. So the Bill is going to benefit not merely the raiyats who are rent receivers but raiyats who are themselves cultivators. This is a very important fact which the hon'ble members would be good enough to bear in mind.

There are three sets of amendments, one moved by the European group, the other by my friend Kumar Shib Shekhareswar Ray and the third by the Maharaja of Mymensingh. The first amendment suggests a gradual reduction of landlord's right to transfer fee. The second one suggests a reduction not gradually but straight away from 20 per cent. to 10 per cent. and the third amendment a reduction to Re. 1 in the case of bona fide cultivators and a reduction to eight times the rent in the case of others. So that is a compromise which the landlords and the European group have suggested. Speaking for myself I would have preferred the golden mean but, so far as I can ascertain the representatives of tenants are against the retention of landlord's right to transfer fee. This amendment which Government have proposed will not only give a great financial relief to the agriculturists but will also have a very great psychological effect on them. It is going to improve the feeling between the landlord and the tenant. That is one great objective which Government have in view and I do hope that my landlord friends will appreciate that. That is a factor which is not negligible and I am sure the landlords will rise up to the occasion and will agree to make the sacrifice in the interests of good feeling between themselves and their tenantry. That is the surest guarantee of the continuance of the right of landlords—(Dr. NALINAKSHA SANYAL: Amen.)

Mr. Chakraverti speaking on behalf of the Congress said that they would support Government on the abolition of landlord's transfer fee and the right of pre-emption because they wanted to do away with the landlord as a class. They want the buffer to be removed. If I did understand him correctly, he seems to have said that the Congress

would like Government and the masses to come into direct conflict They are for accelerating the so-called revolution. (A VOICE: No so-called but a real revolution). It may be real or it may be a mer shadowy revolution but I do not know if that is a consummation to b wished. Government's intention is certainly not to do away with th landlord. Nothing is further from their intention and they will cer tainly oppose any such proposal. Their object is only to give som amount of financial relief to the agriculturists. Their position is reall deplorable because of the recent economic depression and in the presen state of affairs some relief has got to be given to them. There is a consensus of opinion in the country regarding the abolition of land lord's transfer fee and right of pre-emption and Government simpl propose to give effect to that feeling by introducing this Bill.

As regards the right of pre-emption I do not deny that there migh be some justification for retaining it. So long as the third party remains, there is just a chance of prices rising by competition whicl might benefit the seller financially. But one fact must be borne in mind that there is the risk of the right of pre-emption being abused by landlords for realisation of landlords' transfer fee which Governmen propose to abolish. They therefore feel that the abolition of the righ of pre-emption is justified, being almost a consequential change. If they do not do it there is risk of its being abused for extorting transfer fee—a risk which they want to avoid.

Mr. Abu Hossain Sarkar said that because he and his party did something outside this House that Government were compelled to introduce the Bill by abolishing the salami. I repudiate that suggestion altogether. Let Mr. Sarkar know it for certain that Government refuse to take any notice of his activities and the activities of any parties outside this House.

Government did introduce the Bill of their own accord and in the interest of the tenantry and also in the interest of establishing better feelings between the landlords and the tenants. (DR. NALINAKSHA SANYAL: Good sense dawns late!) (MR. NIHARENDU DUTTA MAJUMDAR: Your Chief has let the cat out of the bag.)

Sir, these are the principal points which I wanted to deal with, and before I conclude I would again appeal to my landlord friends and to my European friends also that they should realize what led the Government to suggest the abolition of the landlord's transfer-fee and the right of pre-emption. It is not to attack the landlord's vested interests or his right of proprietorship, but simply to give financial relief to the agriculturists to some extent.

With these few words, Sir, I oppose all the motions now before the House.

Mr. SPEAKER: Mr. Biswas (Mr. Surendra Nath Biswas) will you please hand over to me the draft that I understand you have got ready?

(Mr. Surendra Nath Biswas handed over the draft.)

I think I should now explain to the House before I ask the members to vote the implications of the different amendments which have been moved, because there might be some confusion. Four definite amendments have been moved. One has been moved on behalf of the European Group operating on section 26D, i.e., amendment Nos. 353-362. The next amendment has been moved by Mr. Surendra Nath Biswas, which, in effect, substitutes section 26F by a new section, repealing section 26D and section 26E. I think I am correct. The next amendment has been moved by the Maharaja of Mymensingh, and members will notice that he has moved amendment Nos. 379-385. He has not moved the whole amendment, but has moved it in part which will be found at page 51, middle portion, beginning with the words "In section 26D of the Bengal Tenancy Act" etc., to the end of it on page 53, omitting the first paragraph on page 53, i.e., the paragraph beginning with the words "After the" and ending with the words "the land system of Bengal." The effect of this is that he wants to substitute, instead of repealing sections 26D, 26E and 26F, new sections 26D, 26E, and 26F. The fourth amendment that has been moved is by Kumar Shib Shekhareswar Ray, who wants to operate only in section 26D by a new provision. I think it would be convenient if I divided it into three parts—one part being section 26D, the other section 26E, and the remaining part section 26F, and put the relevant amendments to each clause.

Do you agree, Sir Bijoy?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, that will be simpler.

Mr. SPEAKER: Now, as regards section 26D, the main clause, I mean the clause in the Bill, is that section 26D be repealed. Against that the European Group has moved a new amendment, the Maharaja of Mymensingh has moved a new amendment, and Kumar Shib Shekhareswar Roy has also moved a new amendment. All these three amendments I will now put to the vote.

The motion of the European Group was put and a division was asked by a member who did not rise in his seat.

Maulvi TAMIZUDDIN KHAN: I suggest, Sir, that the honourable member, who called for a division, did not rise in his seat but simply called for a division, he is not serious.

Dr. NALINAKSHA SANYAL: I think, Sir, Maulvi Tamizuddin Khan has raised a very pertinent question. The member did not rise in his seat but simply asked for a division.

Mr. SPEAKER: That is quite enough for my purpose.

The motion was again put and lost.

Mr. SPEAKER: The next amendment is that of the Maharaja of Mymensingh. I shall put it now to the vote.

The motion was put and a division taken with the following result:—

AYES.

Acharyya Choudhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
Armstrong, Mr. W. L.
Bannerman, Mr. H. C.
Basu, Babu Jatindra Nath.
Brasher, Mr. F. C.
Campbell, Sir George, Kt.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Cooper, Mr. C. G.
Crosfield, Mr. L. M.
Ferguson, Mr. R. H.
Gammeter, Mr. E. O.
Griffiths, Mr. C.
Hamilton, Mr. K. A.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Khaitan, Mr. Debi Prosad.
MacLauchlan, Mr. C. S.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Morgan, Mr. G., C.I.E.
Nimmo, Mr. T. B.
Patton, Mr. W. C.
Paul, Sir Hari Sankar, Kt.
Ray Choudhury, Mr. Birendra Kishore.
Ross, Mr. J. B.
Roy, Kumar Shib Shekareswar.
Roy, Rai Bahadur Kshirod Chandra.
Sasseen, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Steven, Mr. J. W. R.
Walker, Mr. J. R.
Wordsworth, Mr. W. C.

NOES.

Abdul Aziz, Maulnana Md.
Abdul Bari, Maulvi.
Abdul Hafeez, Khan Bahadur Syed.
Abdul Hafiz, Mr. Mirza.-
Abdul Hafiz Mia, Mr.
Abdul Hakum. Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Jabbar Palwan, Mr. Md.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdul Wahed, Maulvi.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi
Abdus Shaheed, Maulvi Md
Abu Hossain Sarkar, Maul
Abul Fazal, Mr. Md.
Abul Hosain, Mr. Ahmed.
Aftab Ali, Mr.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Ahmad Khan , Mr. Syed.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Ashrafali, Mr. M.
Asi muddin Ahmed, Mr.
Aulad Hossain Khan, Maulvi
Azhar Ali, Maulvi.
Banerjee, Mr. P.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Bhawmik, Dr. Gobinda Chandr0.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.

Chakraborty, Babu Narendra Narayan.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Anukul Chandra.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Doloi, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Edbar, Mr. Upendranath.
Emdadul Haque, Kazi.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Honble Mr. A. K.
Fazlul Qadir, Khan Bahadur Maulvi.
Fazlul Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Giasuddin Ahmad, Mr.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddon Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hasan Ali Chowdhury, Mr. Syed.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Himatsingka, Mr. Prabhudayal
Idris Ahmed Mia, Mr.
Ispahani, Mr. M. A. H.
Jalaluddin Hashemy, Mr. Syed.
Jasimuddin Ahmed, Mr.
Jonab Ali Majumdar, Khan Sahib.
Kabiruddin Khan, Khan Sahib.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Mafizuddin Ahmad, Dr.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mehtabuddin Ahmad, Khan Bahadur.
Maiti, Mr. Nijunja Behari.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mai, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Bahari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal, Mr. Jogendra Nath.
Maniruddin Akhand, Maulvi.
Maniruzzaman Islamabadi, Maulana Md.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syad.
Muhammad Soolaiman, Mr.
Mukherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mullick, Srijut Ashutosh.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswar Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nasker, Mr. Hem Chandra.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Pramanik, Mr. Tarinicharan.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ramizuddin Ahmed, Mr.
Razaur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kisori Pati.
Roy, Mr. Manmatha Nath.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sanyal, Dr. Nalinaasha.
Sanyal, Mr. Sasanka Sekhar.
Sarkar Babu Madhusudhan
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sen, Babu Nagendra Nath.
Serajul Islam, Mr.
Shahedali, Mr.
Shamsul Huda, Maulana.
Singha Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Sur, Mr. Harendra Kumar.
Tamizuddin Khan, Maulvi.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
West, Mrs. Ellen.
Yusuf Ali Choudhury, Mr.
Zaman, Mr. A. M. A.

The Ayes being 34 and Noes 176 the motion was lost.

The motion of Kumar Shib Shekhareswar Roy was put and lost.

The motion of Maharaja Shashi Kanta Acharyya Choudhury regarding clause 26 (*e*) and (*f*) was then put and lost.

The amendment of Mr. Surendra Nath Biswas as drafted by the Hon'ble Sir Bijoy Prasad Singh Roy was then put.

Kumar SHIB SHEKHARESWAR ROY: On a point of order, Sir. Is this amendment in order? It interferes with the substantial right of transferee and I submit, Sir, that it cannot be moved without the sanction of the Governor.

Mr. SPEAKER: I am afraid it is not so. I personally at one time was of opinion that it was beyond the scope of the Bill. This is not substantially a new amendment; it is based on Mr. Surendra Nath Biswas's amendment and it has made only a legal drafting change.

Kumar SHIB SHEKHARESWAR ROY: Was that amendment in order?

Mr. SPEAKER: I considered that point and after consideration I thought it was in order for this reason that there was the right of pre-emption and that pre-emption is being changed in favour of one person or the other. The substantial right was the right of pre-emption and Government want to delete the pre-emption clause. The member in charge wants pre-emption to be extended to another class and I hold that that is in order.

Mr. C. MILLAR: Sir, I desire to place on record that this Bill is being hurried through this House in a manner which prevents the due deliberation which ought to accompany the serious duty of legislation. Sir, we have not had an opportunity to consider the matter upon which we are now asked to cast our votes and we should like it to be on the record of the proceedings of this House that we protest against the way in which the consideration of this Bill is being rushed through.

(The question of the amendment as drafted by the Hon'ble Sir Bijoy Prasad Singh Roy was being put to the House.)

Maulvi ABDUL BARI: On a point of order, Sir. So far as the drafting is concerned I take exception to one clause, I mean, clause (*b*) of new clause 5A. Heba-bilewaj is being excluded from the operation of this section. Heba-bilewaj is exactly the same thing as heba. The only difference is that in a heba no consideration is necessary whereas in a heba-bilewaj there is a nominal consideration. Nothing in cash is paid but only to give it the character of a sale some exchange by way of giving a Quoran or a piece of cloth or a prayer mat is given. Therefore, in effect heba and heba-bilewaj are the same

thing. Heba-bilewaj is generally executed by a relation in favour of another relation. Therefore if the right of pre-emption be exercised in a case like heba-bilewaj then practically the effect of that document will be frustrated.

Mr. SPEAKER: Order, order. I think in view of that I will not put this clause to the House to-day. I will take time to-morrow to consider this.

A member: It would be desirable, Sir, if a copy of this amendment is circulated to all the members.

Mr. SPEAKER: I hope that the Hon'ble Sir Bijoy Prasad Singh Roy will see that it is circulated to the members.

Before I adjourn I may just announce that in deference to the wishes of the different party leaders I have postponed the election being held till day after to-morrow at 4 o'clock about the Committee of Privileges. In the meantime I trust different parties will come to an agreement and put up a concrete list if possible. Any gentleman who wants to withdraw will be entitled to do so by 6 o'clock to-morrow.

The second matter is that the dates for non-official Bills stand as they are; they will not be changed.

The third matter about which a circular has been issued is that in view of the great pressure of work there was almost a breakdown in office, and I very much regret that we had no other option but to keep the office open only from 2 p.m. to 9 p.m. daily except on Saturdays when the Assembly sits, from 9-45 a.m. to 2-30 p.m. One assistant will be on duty from 10-30 a.m. as usual at the enquiry office to receive letters, etc., and to hand over Travelling Allowance Bills, etc., to the members.

Adjournment.

The House was then adjourned till 4-45 p.m. on Tuesday, the 14th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 14th September, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 214 members.

STARRED QUESTIONS

(to which oral answers were given)

The term of lease of the river Kirtan-Khola.

*142. **Mr. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the terms on which lease has been granted of the river Kirtan-khola (Barisal) to a private party?

(*b*) Is it not in contravention to all previous circulars and declarations of the Government?

(*c*) If the answer to clause (*b*) is in the affirmative, what is the reason for this departure?

(*d*) If the answer to clause (*b*) is in the negative, will the Hon'ble Minister be pleased to lay on the table the circular or instruction on which the Government has allowed this?

(*e*) Will the Hon'ble Minister be pleased to state whether he would consider this measure to be in keeping with the policy of giving relief to the poverty-stricken toiling masses?

(*f*) Is the Hon'ble Minister aware that this measure has caused great hardship and resentment among the fishermen, who have been ventilating their grievances through (*i*) meetings, (*ii*) conference and (*iii*) appeals, to the authorities concerned?

(*g*) Will the Hon'ble Minister be pleased to state whether he would consider it desirable to take immediate steps for cancelling this lease?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The terms are those as contained in the standard lease prescribed in pages 119-120 of the Government Estates Manual, 1932.

(*b*) No.

(*c*) Does not arise.

(*d*) Attention is invited to rule 259 of the Government Estates Manual, 1932.

(*e*) Does not arise.

(*f*) and (*g*) No.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether this river Kirtankhola is a tidal navigable river or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Babu NAGENDRA NATH SEN: How can the Hon'ble Minister state that the terms of lease as prescribed in pages 119-120 of the Government Estates Manual apply to this river?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult to answer this question off-hand. If the terms apply to a navigable river we may assume that it is a navigable river.

A member: Is it not a fact that this lease has been granted for the first time in this case?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Government Fuller Memorial of Special Scholarships and Mohsin and other stipends.

***143. Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether—

(*i*) the Government Fuller Memorial of Special Scholarships, and Mohsin and other stipends are not regularly paid to the holders of them month after month; and

(*ii*) that owing to this unnecessary delay on the part of the officers of the Education Department concerned, the poor scholarship and stipend-holders suffer very much and are put to serious pecuniary difficulties?

(*b*) If the answer to (*a*) is in the affirmative, does the Hon'ble Minister consider it desirable to hold a prompt enquiry into the matter and to adopt proper measures for the same?

(*c*) Is it a fact that some scholarship and stipend-holders in the intermediate colleges of Bengal, particularly of the Dacca Intermediate College, who have already passed the last intermediate examinations

and left the college, have not yet received their scholarships for the session 1936-37 in full?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) No such complaint has been received from any scholarship or stipend-holder.

(*ii*) and (*b*) Do not arise.

(*c*) I have no information to this effect.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to enquire whether such irregularities are committed?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have made no enquiries. But I am prepared to make enquiries if the honourable member so desires.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if it is not a fact that some students after passing the Intermediate Examination from the Intermediate College obtained scholarships but have not been able to draw their scholarships as yet although they are reading in the B.A. class?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information. I should like to have notice.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether they are regularly paid or not? Will he make an independent enquiry?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am prepared to make an independent enquiry.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he will let us know the result of his enquiry?

The Hon'ble Mr. A. K. FAZLUL HUQ: I promise I will, but if I forget I hope the House will remind me.

Annual contribution of the Bengal Government to Ranchi Mental Hospital.

***144. Mr. SHAMSUDDIN AHMED KHANDKAR:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the amount of annual contribution of the Bengal Government to the Indian Mental Hospital at Ranchi and the proportion it bears to the total expenditure of the hospital?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing (*i*) the total number of employees in the hospital, (*ii*) the number of them that are Bengalis, (*iii*) the total number of Superintendents and other medical officers, and (*iv*) the number of them that are deputed from (1) the Bengal Government, and (2) from the Bihar Government?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) The contribution paid by the Government of Bengal annually towards the cost of the Ranchi Indian Mental Hospital is not a fixed sum but varies with the actual expenditure incurred on the hospital in different years. The contribution represents three-fourths of the net expenditure of the hospital, as Bengal has been allotted three-fourths of the accommodation available for patients in the institution. The contirbutions paid in the last three years were as follows:—

	Rs.	A.
1935-36	... 3,29,670	10
1934-35	... 3,21,030	10
1933-34	... 3,25,522	0

(*b*) A statement is laid on the table.

Statement referred to in the answer to clause (b) of starred question No. 144.

(*i*) Total number of employees in the Ranchi Indian Mental Hospital	661	
(*ii*) The number of them that are Bengalis	43	
(*iii*) The total number of Superintendents and other medical officers	8, viz., Superintendent ..	1
	Assistant Superintendents	2
	Sub-Assistant Surgeons (including one female Sub-Assistant Surgeon).	5
(*iv*) The number of them that are deputed from—		
(1) the Bengal Government ..	3, viz., Assistant Surgeon ..	1
	Sub-Assistant Surgeons	2
(2) the Bihar Government ..	5, viz., Superintendent ..	1
	Assistant Surgeon ..	1
	Sub-Assistant Surgeons (including one female Sub-Assistant Surgeon)	3

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge be pleased to state how many of these Assistant Surgeons and Assistant Superintendents mentioned are Bengalis?

The Hon'ble Maulvi SYED NAUSHER ALI: The answer is there on page 4 of the question papers.

Dr. NALINAKSHA SANYAL: No, Sir, it does not show how many Bengalis there are.

The Hon'ble Maulvi SYED NAUSHER ALI: If the honourable member look at page 4, item (*11*), he will find that the number of Bengalis employed is 43.

Dr. NALINAKSHA SANYAL: But I want to know the number of Assistant Superintendents and Superintendents.

The Hon'ble Maulvi SYED NAUSHER ALI: I am sorry. The honourable member wants to know the number of Assistant Superintendents and Superintendents. Sir, I must ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether any representation was made by the Government of Bengal to see that a suitable number of Bengalis are employed in that hospital?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware of any such representation.

Maulvi ABDUL BARI: In view of the fact that two-thirds of the total expenditure is met by the Government of Bengal, will the Hon'ble Minister be pleased to state why only 43 out of a total appointments of 661 go to the Bengalis?

The Hon'ble Maulvi SYED NAUSHER ALI: As far as I am aware the Government of Bihar make these appointments and I promise to look into and to see if anything can be done.

Mr. SHAMSUDDIN AHMED KHANDKAR: Will the Hon'ble Minister be pleased to state whether the principle of proportion could be applied?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the number of Bengali patients in the Hospital?

The Hon'ble Maulvi SYED NAUSHER ALI: I would ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is not possible for him to insist upon a particular proportion of Bengalis being employed in view of the contribution made by the Government of Bengal?

The Hon'ble Maulvi SYED NAUSHER ALI: I have already promised to look into the matter and see what can be done.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state if it is not a fact that the Bengali patients are not looked after properly because there is not a sufficient number of Bengalis employed there? I say this from my own personal experience.

The Hon'ble Maulvi SYED NAUSHER ALI: As far as my information goes, they are well looked after.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if the Government of Bengal have absolutely no hand in the management of the Hospital?

Mr. SPEAKER: The Hon'ble Minister has already promised that he would look into the matter. After this I think that question does not arise.

Measures for effecting economy.

***145. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if the Government intends to adopt any fresh measures for the purpose of effecting economy?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the steps intended to be taken?

(*c*) Do the Government intend imposing a cut on the salaries of officers?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): We intend to review the whole administration, and effect economies where they are both desirable and practicable. I am unable at the moment to give any indication of the conclusions we are likely to reach.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether he intends to appoint a committee to enquire into the matter?

The Hon'ble Mr. NALINI RANJAN SARKER: No.

Mr. BIRENDRA NATH MAJUMDAR: Will the Hon'ble Minister be pleased to state if it is at all in the contemplation of the Government to impose any cut on the salaries of officers?

The Hon'ble Mr. NALINI RANJAN SARKER: We have not yet decided.

Mr. ABDUL RASCHID MAHMOOD: Will the Hon'ble Minister be pleased to state when the Government intend taking up the question of retrenchment?

The Hon'ble Mr. NALINI RANJAN SARKER: We have already begun.

Contributions received under the Bengal Wakf Act, 1934.

***146. Mr. ABDUL KARIM:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the amount that was received as contributions, etc., under the Bengal Wakf Act, 1934, from the enrolled *wakf* estates during the year 1936-37;

(*ii*) the amount spent by the Board of Wakfs for the administration of the Act during that year;

(*iii*) the amount spent towards the establishment expenses of the office of the Commissioner of Wakfs during the same year; and

(*iv*) the total amount that was spent during the said year by the Board of Wakfs for charitable and educational purposes?

The Hon'ble Mr. A. K. FAZLUL HUQ: By the courtesy of the Commissioner of Wakfs, I am in a position to reply to this question.

(*i*) Rs. 71,399.

(*ii*) Rs. 52,508.

(*iii*) Rs. 40,178.

(*iv*) Nil. The Act does not sanction such expenditure. Section 62 (*2*) empowers the Board of Wakfs to use any portion of the available balance in the Wakf Fund for the *preservation and protection of wakf property*.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the Preamble of the Wakfs Act lays down that the surplus of the money after the expenditure will be utilised towards the educational facilities of the Muhammadans?

The Hon'ble Mr. A. K. FAZLUL HUQ: Not in so many words.

Maulvi ABDUL BARI: Is it not also the purpose of the Board of Wakfs that stipends should be given to the Muhammadan students for study in the foreign countries?

The Hon'ble Mr. A. K. FAZLUL HUQ: That was in the speeches but not embodied in the Act.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the Commissioner of Wakfs is not under the Government of Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, under the Government of Bengal, but as the House has heard the expression, it is an autonomous body.

Prisoner Mr. Muklesser Rahman.

*147. **Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact that Mr. Muklesser Rahman, a prisoner in the Majdi Jail in Noakhali district, is lying seriously ill and is suffering from tuberculosis?

(*b*) Will the Hon'ble Minister be pleased to inform the house—

(*i*) the present condition of his health;

(*ii*) nature of his ailment; and

(*iii*) his present weight, etc., and the steps, if any, have been proposed to be taken for his proper treatment?

(*c*) Is it a fact that Mr. Muklesser Rahman contracted tuberculosis in Sewri Jail and was that the reason for his transfer from that jail?

(*d*) Is it a fact that Mr. Muklesser Rahman was formerly placed in Division II but was later placed in Division III inside the jail?

(*e*) Will the Hon'ble Minister be pleased to state the reasons for not according him the treatment of a Division II prisoner?

(*f*) Will the Hon'ble Minister consider the desirability of ordering an immediate release of Mr. Muklesser Rahman in view of the precarious state of his health?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) He is in Comilla Jail where he is receiving hospital treatment for chronic disorders of the bowels. His health is indifferent, but he is not seriously ill nor is he suffering from tuberculosis. His present weight is 105 pounds.

(*c*) No.

(*d*) and (*e*) He was in Division II while serving a previous sentence. He was placed in Division III for the sentence which he is now serving as Government were of opinion that he was not accustomed to a superior mode of living.

(*f*) No.

Mr. SYED JALALUDDIN HASHEMY: Having regard to answer (*d*), will the Hon'ble Home Minister be pleased to state how Government came to the conclusion that Mr. Muklesser Rahman is not accustomed to a superior mode of living? How is it that when he was serving sentence in the mufassal he was put in division II and now he has been put to division III on the ground that he is not accustomed to a superior mode of living. What is the reason?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government came to this conclusion at that time.

Mr. SYED JALALUDDIN HASHEMY: Is it not a fact that Government has miscalculated by placing him in division II previously?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whatever interpretation the member may like to put, the facts are as stated.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state when was Mr. Muklesser Rahman transferred to the Comilla Jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether Mr. Muklesser Rahman was a member of the District Board of Comilla?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to inform the House as to the height of this man because there is a relationship between the height and the weight?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I ask for notice.

Electrical Licences.

*148. **Babu RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that draft Electrical Licences should be published in three successive issues of some daily newspapers as required under the Electricity Act and the Rules?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact that all applicants are required by the Government to publish them in the *Statesman* alone?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The hon'ble member is referred to rule 15 (*3*) of the Indian Electricity Rules, 1937. The rule provides for advertisement in only one newspaper.

(*b*) Yes, as the *Statesman* most conforms to the requirements laid down by the rule.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in what respects other newspapers failed to conform to the requirements of the rules?

The Hon'ble Mr. H. S. SUHRAWARDY: It is rather difficult for me to answer this question without asking another question of my honourable friend. Has the honourable member read the rules? If he had, he could not have asked that question. With regard to the circulation there is no controversy.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the rules under which the *Statesman* is considered to

be the best newspaper which conforms to the requirements of the rules?

Mr. SPEAKER: He said that circulation was one of the points.

The Hon'ble Mr. H. S. SUHRAWARDY: It is the main consideration. With regard to the circulation of this newspaper there is no controversy whereas there is some controversy with regard to other newspapers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he or his department knows that the vernacular paper Ananda Bazar Patrika has got 50 per cent. more circulation than the *Statesman* or any other newspapers in this province?

The Hon'ble Mr. H. S. SUHRAWARDY: Myself or my department know nothing about it; I have heard such assertions being made from time to time but I cannot vouch for their truth.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he or his department took any steps to ascertain the *bona fide* number of circulation of respective newspapers in this province?

The Hon'ble Mr. H. S. SUHRAWARDY: The department did not consider it necessary.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he or his department will consider the desirability of enquiring into this matter in view of the position of other newspapers in this province?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. The present arrangements are quite satisfactory.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he or his department are aware that there is a great feeling in this province with regard to this allotment or partial treatment?

The Hon'ble Mr. H. S. SUHRAWARDY: There is no feeling at all and no comment has yet been made in the manner in which the Hon'ble member is representing the matter in this House.

(Mr. Speaker called out the next number when Dr. Nalinaksha Sanyal rose to put supplementary questions.)

Mr. SPEAKER: I have already allowed a substantial number of questions on this point.

Dr. NALINAKSHA SANYAL: One more question, Sir, and I will finish.

Mr. SPEAKER: I quite realise your point but I have already called the next question.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir. It is a very important question of privilege of members to be able to put supplementary questions and in view of the series of evasive answers given by the Hon'ble Minister, I seek your protection to let me have the privilege, as a member, to put a larger number of questions so that I may get proper information on this point.

The Hon'ble Mr. A. K. FAZLUL HUQ: I object to the use of the word "evasive".

Mr. SPEAKER: As a matter of fact I personally do not think that you will get any better reply than what you have already got.

Extra-Muharrir Babu Dwaraka Nath Das in the Janaka Sub-Registry Office, Midnapore.

***149. Mr. NIKUNJA BEHARI MAITI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Babu Dwaraka Nath Das was an extra-*muharrir* in the Janaka Sub-Registry office, Midnapore, till recently?

(*b*) Is the Hon'ble Minister aware of the fact that—

(*i*) he stood as a Congress candidate to the union board election of Union No. 7 of Khedgiree police-station Midnapore; and

(*ii*) that in consequence, his service has been dispensed with by the District Sub-Registrar of Midnapore on the basis of a report of the local police?

(*c*) Will the Hon'ble Minister be pleased to state if it is the policy of the Government not to allow Congress members of union boards to earn their livelihood by holding such jobs as extra-*muharris* of Sub-Registrars' offices?

(*d*) If the answer to (*c*) is in the negative, will the Government be pleased to reinstate the man in his job?

The Hon'ble Mr. A. K. Fazlul Huq before reading his printed reply said "Another evasive reply" and then read out the printed reply.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir. Will the first portion of the reply—"Another evasive reply"—go into to-day's proceedings?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) There is no Sub-Registry Office at Janaka in the district of Midnapore.

(*b*) to (*d*) The questions do not arise.

Detenu Dr. Charu Banerjee.

***150. Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) whether Dr. Charu Banerjee detained under the Bengal Criminal Law Amendment Act since the 5th September, 1934, is at present suffering from angina pain and chronic diarrhœa; and

(*ii*) whether Captain P. Ganguly and Dr. B. C. Ray examined him with electro-cardiograph and recommended him for sixty days' continual treatment under them?

(*b*) Is the Hon'ble Minister aware—

(*i*) of the recent death of his elder brother, Hon'ble Mr. J. C. Banerjee, contractor and a member of the Council of State; and

(*ii*) of the financial condition of Dr. Banerjee who by the said death has, with his widowed sister-in-law to face a debt of a few lakhs of rupees?

(*c*) Is it a fact that the detenu was not given any leave nor removed to the internment camp?

(*d*) Will the Hon'ble Minister be pleased to state whether any family allowance or allowance of the education of his sons has been given since his detention?

(*e*) Is the Hon'ble Minister aware that Dr. Banerjee was the President of the Bengal Provincial Trade Union Congress, Vice-President, All-India Trade Union Congress, and President, All-India Socialist Party, and office bearer of several labour unions in Bengal at the time of his detention?

(*f*) Do the Government intend to release him unconditionally in consideration of his broken health, worried mind and financial embarrassments?

(*g*) If the answer to (*f*) is in the negative, will the Hon'ble Minister be pleased to state the reason?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The answer to the first part of the question is in the affirmative; I understand that he suffers from anginal pain and chronic dyspepsia.

(*ii*) He was examined by Dr. B. C. Ray and Captain P. Ganguly but no recommendation was made to Government that sixty days' continuous treatment was necessary.

(*b*) (*i*) Yes.

(*ii*) This is a private matter regarding which I am not in a position to make any statement.

(*c*) The detenu was allowed to remain in Calcutta from the 3rd April, 1937, to 1st June, 1937.

(*d*) Allowances have been granted for the support of his son and his son-in-law's family.

(*e*) Dr. Banerjee was connected with several organisations of this nature.

(*f*) and (*g*) Dr. Banerjee will be released as soon as it is clear that he has no intention of engaging in such terroristic activities as necessitated his being placed under restraint.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to inform the House whether Dr. Banerjee was informed of the nature of the terrorist activities he was suspected of?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was informed according to the provisions of the Bengal Criminal Law Amendment Act.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state that unless he is specifically informed how does the Hon'ble Minister expect him to say that he is not going to be engaged "in such terrorist activities"?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a question that we will decide.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what were the recommendation of Dr. B. C. Roy and Captain P. Ganguly?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SIBNATH BANERJEE: With respect to answer (*c*) it has been stated that Dr. Banerjee was in Calcutta from the 3rd April, 1937, to the 1st June, 1937. Will the Hon'ble Minister be pleased to state whether Dr. Banerjee was sent back to his place of internment after the treatment was over?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Babu BARADA PROSANNA PAIN: In view of that fact that Dr. Banerjee was not free for about 3 years from April, 1934, will the Hon'ble Minister be pleased to state how he was in a position to ascertain that he has no intention of engaging in terrorist activities?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have certain methods of ascertaining these things.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what are those methods by which these things are ascertained?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to disclose them.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what enquiries he has made to ascertain that Dr. Banerjee has got any such intention at the present moment?

The Hon'ble Khwaja Sir NAZIMUDDIN: Officers interviewed Dr. Banerjee from time to time.

Mr. NIHARENDU DUTTA MAZUMDAR: Has any opinion been expressed by any judicial officer or judge after due enquiry on this matter recently?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Babu BARADA PROSANNA PAIN: Will the Hon'ble Minister be pleased to state whether the question was put to Dr. Bannerjee himself?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not specifically put.

Mr. SIBNATH BANERJEE: With respect to question (*d*), since when are his son and his son-in-law getting allowances?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Boincheetolla Union Board.

***151. Mr. JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the attention of the Government has been

drawn to the memorial, dated the 2nd July, 1937, submitted by Babu Upendra Nath Mallik, President of Boincheetolla Union Board?

(*b*) Will the Hon'ble Minister consider it desirable to direct an enquiry into the matter?

(*c*) Is he aware that the two sides of the populated villages of Boincheetolla, Arupota and Ananta Badal are filled by the Calcutta Corporation with dirts and filths to the height of 6 to 8 feet which is giving out an offensive and obnoxious smell which it is difficult for any human being to stand, and on the third side there is the dirty water *khal* full of water-hyacinth, belonging to the Calcutta Corporation, which is similarly injurious to public health?

(*d*) Will the Hon'ble Minister be pleased to lay on the table the report of inspection of the place by the Assistant Director of Public Health, Dr. B. C. Mukherjee?

(*e*) Will the Hon'ble Minister think it desirable that the only way of giving relief to the suffering public is the acquisition of the lands comprised in the villages in question so that the villagers may be enabled to migrate elsewhere in healthier surroundings?

(*f*) If so, will the Hon'ble Minister be pleased to state whether he consider it desirable of asking the Corporation of Calcutta immediately to take steps for the acquisition of the village in question?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Yes.

(*b*) to (*d*) An enquiry has been made into the matter by Dr. B. C. Mukherjee, Assistant Director of Public Health. A copy of his report is laid on the library table.

(*e*) and (*f*) The matter is under the consideration of Government.

Mr. ANUKUL CHANDRA DAS: Is the Hon'ble Minister aware that it appears from the report of Dr. B. C. Mukherji that the four culverts in question were obstructed by the Calcutta Corporation and the water from that area were not allowed to pass through them?

The Hon'ble Maulvi SYED NAUSHER ALI: It appears that the hon'ble member knows the contents of the report which is already laid on the library table and no reply is called for.

Mr. ANUKUL CHANDRA DAS: In view of the report of Dr. B. C. Mukharji will the Hon'ble Minister be pleased to ask the Calcutta Corporation to open those culverts so that water from the rural area may pass through that area?

The Hon'ble Maulvi SYED NAUSHER ALI: I have already said that the matter is under the consideration of Government. I can only

give this further information that this matter has been referred to the Commissioner of the Presidency Division for his opinion.

Retired assistants of the Finance Department.

*152. **Babu RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state under what circumstances the undernoted assistants of his Secretariat made to retire from service:—

(*i*) Babu Satis Chandra Bose;

(*ii*) Babu Prakash Chandra Ghosh; and

(*iii*) Babu Milanananda Roy?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the names of assistants in his Secretariat who were recruited during the past three years through the back door, that is to say not through public advertisement or through Secretarial Clerkship Examination;

(*ii*) whether there had been no public advertisement when men were taken in the Central Despatch Office; and

(*iii*) the names of the temporary assistants working in his department who were taken in although they were disqualified one way or the other?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) (*i*) Babu Satis Chandra Bose retired on superannuation pension.

(*ii*) Babu Prakash Chandra Ghose retired after completing 30 years' qualifying service.

(*iii*) Babu Milanananda Roy retired on invalid pension.

(*b*) (*i*) All the assistants appointed during the past three years were men who had qualified themselves at the Secretariat Clerkship Examination.

(*ii*) No.

(*iii*) None.

Amendment of the Bengal Agricultural Debtors' Act.

*153. **Mr. ABUL HOSAIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether he has got suggestions written

or oral from Members of the Legislative Assembly to amend the Bengal Agricultural Debtors' Act?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement of all the suggestions received from the Members of the Legislative Assembly?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Yes.

(*b*) No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if his department is aware that one of the objections noted is the absence of suitable credit arrangements in the rural areas which is causing great hardship on the pesants?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I submit that does not arise out of this question.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether Government are contemplating to amend the Agricultural Debtors Act to remedy the defects found there?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The defects that will be noted will certainly receive consideration by way of amending the Act if that is thought necessary.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that appointment of members to these boards are causing disappointment in the minds of the public in view of the fact that instructions have been given by the department to the effect that two men from the creditor side, two from the debtor side and one man who is neutral should form the Board?

Mr. SPEAKER: That does not arise out of this question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether one of the suggestions is a suitable modification of the present arrangement so that credit institutions in the rural areas may be started?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Member be pleased to state if he has read the suggestions made by the hon'ble members of this Assembly referred to in answer (*a*)?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as the suggestions are concerned they are mostly in the nature of amending the Act.

Mr. ABDULLA-AL MAHMOOD: Is the Hon'ble Minister aware that suggestions were offered to the Hon'ble Minister to confer on the Union Boards power under section 7?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not not aware of this.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the principle natures of the suggestions.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already answered that so far as written suggestions are concerned they are in the nature of amending the Act which are still under consideration.

Dr. NALINAKSHA SANYAL: What are the subjects referred to in those suggestions.

Mr. SPEAKER: I am afraid that question does not arise. The Hon'ble Minister has already said that they are all in the nature of amending the Act which are being examined and surely supplementary questions are not meant to be in the nature of cross-examination. If you want any further information I am quite prepared to allow you.

Dr. NALINAKSHA SANYAL: My submission is that this cross-examination has been necessitated due to the reply "No".

Mr. SPEAKER: The Hon'ble Minister has said that they are in the nature of amending Bills.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he has read these Bills and if so what are the contents of those Bills?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as the amending Bills are concerned they will be presented before the House by those hon'ble members who intend to move those Bills.

Film Censors' Office, Calcutta.

*154. **Maulvi AHMED ALI MRIDHA:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) the number of officers in the Film Censors' Office, Calcutta, in the different grades; and

(*ii*) the number of them that are Mussalmans?

(*b*) Will the Hon'ble Minister be pleased to state who is the appointing authority for such posts?

(*c*) Is the Hon'ble Minister considering the desirability of placing the charge of appointments of the Film Censors' Office, directly under the department concerned of the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*)—

Secretary (Part-time)	...	...	1
Inspectors—			
Whole-time	...	...	1 } 2
Part-time	...	...	1 }
Clerk	...	...	1

(*ii*) None.

(*b*) The Bengal Board of Censors.

(*c*) No such proposal is under the consideration of Government at present.

Fund to carry on propaganda on behalf of Government.

*155. **Maulvi ABU HASSAIN SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Press) Department be pleased to state whether the members of the Cabinet have created a fund for carrying on propaganda on behalf of Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) who actually contributes to the fund; and

(*ii*) the amount of contribution paid by each member, if any?

(*c*) Will the Hon'ble Minister be pleased to state whether any newspapers are subsidised out of this fund;—

(*i*) the names of the papers, if any; and

(*ii*) the amount of contribution paid to each paper?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) and (*c*) Do not arise.

Maulvi ABU HOSSAIN SARKAR: Is the Hon'ble Minister aware of a widespread feeling in the country that the two Calcutta papers "Azad" and the "Star of India" are subsidised by the Cabinet Members?

The Hon'ble Khwaja Sir NAZIMUDDIN: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there is a fund either created by the Ministers or private by the ratepayers out of which Government propaganda is undertaken.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not the concern of this House as to what the Cabinet Ministers do with their own funds. The hon'ble members can ask questions about any funds of the provincial Government and no funds have been set aside and created for this purpose, as the hon'ble member says.

Supplementary questions.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether the members of this House may not feel interested in the employment of funds which they vote for?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to estate if he is aware that there is a department in the general Secretariat called the Publicity Department of the Government of Bengal and for which funds have been created?

The Hon'ble Khwaja Sir NAZIMUDDIN: No new funds have been created for that department.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Publicity Department arranges for the issue of newspaper advertisements and press advertisements of various departments of Government?

Mr. SPEAKER: That does not arise out of the question. This question definitely deals with funds to carry on propaganda on behalf

of Government and Government says "No". Surely Dr. Sanyal cannot refer to another department and ask what are its functions?

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether he knows that the "Advance" is subsidised by the Congress?

Mr. SPEAKER: That question does not arise and I think Mr. Bari knows that this question does not arise at all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in what respects the Publicity Department carry on the publicity work of Government without any funds?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as funds for the activities of the Publicity Department are concerned they are in the budget. No extra funds have been created.

Dr. NALINAKSHA SANYAL: We do not seek to find out anything about the extra funds, what we want to know is how the press work can be carried on without any extra funds.

Mr. SPEAKER: The whole question so far as this matter is concerned is whether any funds have been created for carrying on propaganda work and if anything arose out of it I would permit a question.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if it is at all illegal if the Government creates a fund for carrying on propaganda?

Mr. SPEAKER: It is purely a matter on which legal opinion can be taken.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state the fund from which the cost for the printing and circulation of the Hon'ble Labour Minister's speeches in mill area was met?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that the question does not arise out of it.

Mr. SPEAKER: It does arise to controvert the statement that there is a fund from which the speeches of the Labour Minister were printed and circulated. It is for you to controvert that.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know which speeches he is referring to.

Mr. NIHARENDU DUTTA MAZUMDAR: During the last jute strike the speeches of the Hon'ble Labour Minister and the Chief Minister were circulated in the labour areas printed in different languages, namely, Bengali, Hindi and other languages. I want to know from which fund these expenses were defrayed.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a matter for the Labour Minister to answer.

The Hon'ble Mr. H. S. SUHRAWARDY: With the permission of the Hon'ble Home Minister I may reply to this question by stating that the expenses of printing and circulating those speeches were met from the ordinary fund of Government. I may inform the honourable member who has spoken that I intend to circulate another speech on similar lines.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state from which funds the expenses of the Hon'ble Labour Minister's so-called *Majdur Gazette* are subsidised.

The Hon'ble Mr. A. K. FAZLUL HUQ: Not subsidised.

The Hon'ble Mr. H. S. SUHRAWARDY: That, Sir, is a question which is unworthy of this House.

Mr. SPEAKER: Hon'ble Mr. Suhrawardy, you must withdraw your expression. *Prima facie* as the question stands, it is as from what funds the *Majdur Gazette* is subsidised just as the previous question was from what funds the cost of printing and circulating the Labour Minister's speeches was met. As such the question is in order and the expression "unworthy of this House" should be withdrawn.

The Hon'ble Mr. H. S. SUHRAWARDY: I am prepared to withdraw that expression but may I be permitted to point out that the question was: "from what funds the Hon'ble Labour Minister's *Majdur Gazette* was subsidised" was an insinuation which I object to. The member is entitled to ask for plain answers; but I do submit that you might protect our position by not permitting members to make such insinuations.

Mr. SPEAKER: I will not allow Mr. Dutta Mazumdar to put a question as from what funds the Hon'ble Labour Minister's *Majdur Gazette* is subsidised.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I may submit that that was not my question. I asked from what funds the expenses for the *Majdur* paper were defrayed. There was absolutely no insinuation in my question. The Hon'ble Labour Minister is suffering from the suspicion which is in his own mind.

Rai HARENDRA NATH CHOUDHURY: Sir, as Mr. Dutta Mazumdar says that he did not use the expression I submit it should be considered as final.

The Hon'ble Mr. H. S. SUHRAWARDY: I may submit, Sir, that Mr. Dutta Mazumdar said so, and most of the members on this side of the House have heard it.

Mr. SPEAKER: I am not very happy about Hon'ble Mr. Suhrawardy's statement. When a member disavows an expression by all conventions the disavowal ought to be accepted. It is quite open to Hon'ble Mr. Suhrawardy to say that owing to a misunderstanding of the question he said so and as such he did not mean what he said. Once a member disavows a statement it is not desirable to pursue the matter.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, my point of order is this that when a member puts a question the Speaker only looks to the propriety of it as to whether it is in order or not. After my question was allowed and the Hon'ble Minister had replied to it, the Hon'ble Speaker has given his ruling that the Labour Minister should withdraw his remark; I wish to know whether the expression will be withdrawn.

Mr. SPEAKER: The position is slightly different. Inasmuch as I must accept your statement I must accept Hon'ble Mr. Suhrawardy's statement also. If the Hon'ble Mr. Suhrawardy has misheard your question, I must give him the benefit of that as I am giving you the benefit of your statement. I accept your statement that you did not say "the Hon'ble Minister's *Majdur Gazette*". At the same time I must also accept the Hon'ble Mr. Suhrawardy's statement that he misunderstood your question and he couched his answer accordingly. I think he was justified in feeling hurt but I think that in spite of that he should never have used the expression "not worthy of this House."

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether under demand for grant No. 11, there is an item for Rs. 2,000, for publicity expenses and under contingencies sums are provided out of which propaganda expenses can be met?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whatever has been provided is mentioned in the budget. No new fund has been created except those which has been placed before the House and accepted by the House.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the circulation of the Labour Minister's speeches created a very healthy atmosphere in the areas in which they were circulated.

Mr. SPEAKER: That question does not arise.

Mr. JOGESH CHANDRA GUPTA: Having regard to the statement of the Labour Minister that many more speeches were going to be circulated (A VOICE: one more), will the Hon'ble Minister be pleased to state whether that will necessitate bringing that up in the supplementary budget?

The Hon'ble Khwaja Sir NAZIMUDDIN: If it be necessary it will come up.

Dr. NALINAKSHA SANYAL: May I submit a point of order if you will kindly allow me to do so——

Mr. SPEAKER: I am tired of your points of order. I hope you will not misunderstand me. We are near about 45 minutes and we have still to go through the unstarred questions. It is for me to decide whether I should allow any further points of order. I have allowed the utmost liberty with reference to this supplementary question. I think that you, Dr. Sanyal, will also realise in your cool moments that we have to go through the whole list of unstarred questions. In view of this I hope you will realise that it is perfectly within my rights to refuse you to raise any further points.

Dr. NALINAKSHA SANYAL: Sir, I am not questioning your rights; but what I am submitting is that so long as the allotted time is not finished and we have relevant questions, you will kindly allow us time to put our questions. If, however, you are not prepared to do so, you have got the privilege of disallowing questions at any time. But I submit that so long as my questions are relevant and not barred by the rules, I may be allowed to put them.

Mr. SPEAKER: I have definitely decided after full consideration, unless the House decides to the contrary, that in this matter I shall be correct in my interpretation of the present rule that even within the full one hour it is for me as the custodian of the interests and privileges of this House to see that the questions are answered in a manner I

think fit and proper. I further feel that it is open to me that after allowing a certain number of supplementary questions we should come to the next with a view to finish the questions within the time-limit and it is not for anybody to question it. That is the interpretation and I will allow certainly legitimate questions arising out of it up to the time-limit; and after that even though there may be supplementary questions, I do not think that it is within me to allow any more time and to-day I will have to leave some questions out.

Breeding-bull in the Union Board of Batanal, Hooghly district.

***156. Babu RADHANATH DAS:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) whether it is a fact that the breeding-bull supplied by the Government to the Union Board of Batanal in the district of Hooghly is being used by the Circle-President of the said union for agricultural purposes?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, will he take to stop such misuse of precious breeding-bulls?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): No such complaint has been brought to my notice, but I am asking the District Magistrate to cause enquiries to be made and to take steps to prevent any misuse of the bull.

Number of persons whose houses were searched by the police and the properties seized.

***157. Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing the figures for Bengal for the year 1936 in respect of the following:—

(*i*) the number of persons whose houses were searched;

(*ii*) the number of persons from whose houses properties were seized;

(*iii*) the number of persons whose properties were returned by Magistrates; and

(*iv*) the number of persons (1) arrested, (2) released on bails by the Police, (3) released on bails by Magistrates, (4) detained in *hajat* with the period of detention, (5) discharged without trial, and (6) actually tried; respectively?

(*b*) Is it a fact that in a large number of cases—

(*i*) searches of houses;

(*ii*) seizure of genuine properties; and

(*iii*) arrest of persons have been made without any result?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for harassing people in this manner?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is not readily available and its collection and compilation would involve an undue amount of time and labour which Government regret they are unable to undertake.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state when he received notice of this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: What steps have Government taken to gather the information asked for in the question?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have nothing further to add.

Mr. SASANKA SEKHAR SANYAL: Were any steps taken?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we could judge from the nature of the question that if we tried to ascertain the information it would take a lot of time and labour. Therefore we decided to answer it in the manner in which it has been done.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, is it not a fact that in this particular case, the Hon'ble Minister is withholding from the public all the information asked for in order to prevent the facts being disclosed in a large number of cases?

Mr. SPEAKER: Mr. Dutta Mazumdar, I am sorry I cannot allow you to adduce any reasons in your question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state if it is a fact that in a large number of cases house searches, seizure of genuine properties and arrests were without any result and without incriminating anybody and therefore in order to cover all these matters, the information has been withheld?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not, Sir.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Muslim Sub-Inspectors and Assistant Sub-Inspectors in the Police force both Civil and Military.

153. Mr. SHAH SYED GOLAM SARWAR HOSAINI: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing the strength of the Muslims as Sub-Inspectors and Assistant Sub-Inspectors in the Police force both Civil and Military working in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement giving the figures as they stood on the 31st December, 1936, is laid on the table.

Statement referred to in the answer to unstarred question No. 153 showing the strength of the Muslims as Sub-Inspectors and Assistant Sub-Inspectors in the Police force in Bengal.

	Total Number.	Number of Muslims.
Sub-Inspectors	1,827	659
Assistant Sub-Inspectors ...	1,630	466

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether he is thinking of raising the number of Muhammadan Sub-Inspectors and Assistant Sub-Inspectors in the cadre?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the question of reserving a certain percentage of appointments for Muhammadan and Schedule Caste candidates will come under the consideration of Government in the near future.

Chaukidars and dafadars.

154. Maulvi MD. ABDUS SHAHEED: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state the total number of chaukidars and dafadars that were in the service and pay of the union boards, union committees and the union panchayets in the Province of Bengal during 1936-37?

The Hon'ble Khwaja Sir NAZIMUDDIN: Total number of chaukidars and dafadars employed in the province during the year 1936 was 75,174.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what amount was spent on the pay of dafadars and chaukidars by the union boards in the year 1936-37?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I ask for notice.

Jute-growers.

155. Maulvi MUHAMMAD ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Government is aware that the poor jute-growers are very much harassed by the unsteadiness of jute weight?

(*b*) If the answer to (*a*) is in the affirmative, then do the Government contemplate to remove this hardship by legislation very shortly?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Yes.

(*b*) Under the Government of India Act, 1935, the "establishment of standards of weight" is a subject for Federal legislation and the Provincial Government cannot undertake legislation for standardisation of weight. The whole matter is however under the consideration of Government.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that the Government of Bombay has established a department of standardised weights and measures?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware.

Maulvi MUHAMMAD ISRAIL: Has this Government made a representation to the Government of India about standardisation of weights?

The Hon'ble Maulvi SYED NAUSHER ALI: We are in correspondence with the Government of India on this point.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if there is any prohibition as regards appointing Inspectors to check correct weights and measures by the Provincial Government?

The Hon'ble Maulvi SYED NAUSHER ALI: I have not examined this question.

Mr. SIBNATH BANERJEE: Is there any difficulty in standardising weights within the province of Bengal, especially with respect of jute.

The Hon'ble Maulvi SYED NAUSHER ALI: That is a question of opinion.

Pressure of work in Registration Offices.

156. Khan Bahadur Maulvi FAZLUL QUADIR: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that due to heavy pressure of work in several Registration Offices, the public are undergoing serious inconveniences during the brisk season?

(*b*) Is it a fact that a maximum number of registration which can be reasonably performed in course of a year has been fixed?

(*c*) If the answer to (*b*) is in the affirmative will the Hon'ble Minister be pleased to state the names of offices where this number exceeded in 1936 and the step proposed to be taken to open joint offices in these places in order to relieve the congestion?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) It is true that, in some offices, the pressure of work is heavy during the busy months of registration, but no complaint of public inconvenience at these offices has been received.

(*b*) No decision in this respect has been arrived at by Government yet.

(*c*) Does not arise.

Mr. ABDULLA-AL MAHMOOD: Is the Hon'ble Minister aware that for six months in a year these officers have got very little work?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is not uniformly correct, but in some cases it is.

Mr. ABDUL LATIF BISWAS: Is the Hon'ble Minister aware that a large number of people of Laksham addressed a petition, dated the 11th February, to Government stating their inconvenience due to pressure of work?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not come across any such petition.

Land Mortgage Banks in Bengal.

157. Mr. BIRENDRA KISHORE RAY CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state the number of Land Mortgage Banks so far established in the province?

(*b*) Is it in the contemplation of the Government to set up other such banks in the near future?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Five.

(*b*) The question is being examined, but lack of facilities for summary recovery of defaulted instalments seriously hampers their extension.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that apart from the question of defaults intervening in the proper function of the land mortgage banks there are other reasons as well and, if so, what are those other reasons?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that land mortgage banks have not functioned properly because they have not been managed as they ought to be?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a matter of opinion.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: In view of lack of facilities for summary recovery, does the Hon'ble Minister think it desirable to write off some of the defaulted instalments?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It depends on the nature of those defaults.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that land mortgage banks are now controlled and managed by directors, some of whom are appointed or nominated by the Registrar?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. If he requires notice on such a question as I have just put, I submit he is simply evading the answer.

Mr. SPEAKER: I am sorry to say I have no power to compel a Minister to answer a question and whether he is evading the answer or not is a matter of pure opinion. You can draw your own conclusion just as well as I can from the answer given.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the 4 land mortgage banks established in the beginning have ceased to function?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware, Sir.

Maulvi ABDUL BARI: How much money has been contributed by Government towards these 5 land mortgage banks?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: A guarantee of Rs. 12½ lakhs.

Maulvi ABDUL BARI: Is it not a fact that the land mortgage banks are not functioning properly owing to paucity of funds?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is not so, Sir.

Maulvi MUHAMMAD ISRAIL: How much time will be necessary for examining the question?

Mr. SPEAKER: I would advise you not to persist in putting this question after receiving answers to similar questions during the last few days.

Dr. NALINAKSHA SANYAL: Was the paucity of funds due to want of credit of Government so far as the administration of land mortgage banks are concerned?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would say, no.

Sir Douglas Stuart Bart, Kt.

158. Maulvi AFTAB HOSAIN JOARDAR: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if Sir Douglas Stuart Bart is a nominated member of the Dacca District Board?

(*b*) Has he left the province of Bengal more than a year ago?

(*c*) If so, will the Hon'ble Minister be pleased to state whether he submitted his resignation of membership to the Chairman, District Board?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether his resignation was accepted by the District Board, Dacca?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state when it was accepted?

(*f*) Will the Hon'ble Minister be pleased to state whether the Government intend to nominate another in place of Sir Douglas Stuart Bart?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) to (*c*) Yes.

(*d*) and (*e*) His resignation was accepted by the District Board in their meeting held on the 30th August, 1937.

(*f*) Yes.

Establishment of a model sanitary area under police-station Habra, 24-Parganas.

159. Babu PATIRAM ROY: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the Director of Public Health, Bengal, failed to substantiate his scheme to establish a model sanitary area with the help of some union boards under police-station Habra, 24-Parganas, for want of funds?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state if such scheme has been approved by the Government? If not, why not?

(*c*) Is the Hon'ble Minister considering the desirability of financing the scheme on the line adopted?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) No.

(*b*) and (*c*) Do not arise.

Appointment of the Secretary, Indian Central Jute Committee.

160. Mr. ADWAITA KUMAR MAJI: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether—

(*i*) the Government of Bengal was consulted in the matter of appointment of the Secretary, Indian Central Jute Committee;

(*ii*) the Government of Bengal was consulted in the matter of the appointments of the Senior Marketing Officer, Marketing Officer and two Assistant Marketing Officers, recently appointed under the Central Jute Committee; and

(*iii*) the Secretary to the Government of Bengal, Agriculture Department, or the Director of Agriculture, Bengal, or any other official representing the Government of Bengal was taken on the Sub-Committee making these appointments?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*i*) and (*ii*) No.

(*iii*) My information is that the appointments referred to were made by the Central Jute Committee itself. There was a sub-committee for interviewing candidates which consisted of four members, of whom two were Bengal representatives.

Deletion of certain matters from the newspapers before supplying them to the detenus.

161. Mr. SATYA PRIYA BANERJI: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) whether it is a fact that portions of the *Statesman* and other approved papers containing questions in the Indian Legislative Assembly regarding the detenus, and other matters dealing with them, are censored and not passed on to the detenus of Deoli and other detention camps;

(*ii*) whether it is a fact that foreign periodicals are subscribed by the detenus living in camps;

(*iii*) whether it is a fact that articles in these foreign periodicals dealing with international situation are censored and not passed on to detenus; and

(*iv*) whether it is a fact that standard books on the Materialism and Marxian Philosophy are not allowed to the detenus while books supporting anti-Marxian Philosophy are freely supplied to them?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons?

(*c*) Do the present Government contemplate any change of policy in this regard?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) I am not in a position to give any information about the Deoli Jail which is not under the administrative control of this Government. The outside page of advertisements is deleted from a newspaper before it is supplied to detenus. I am not aware of the excision of other matter from newspapers.

(*ii*) They are permitted to subscribe to certain foreign periodicals.

(*iii*) I have no information, but Commandants have powers of censorship.

(*iv*) Detenus are allowed to purchase books on political and economic movements which have been prescribed by a University for examinations or have been written by authors whose names are an adequate guarantee of a balanced treatment of the subject. No detenu is required to pay for a book which he does not want.

(*b*) Does not arise.

(*c*) No.

Mr. SATYAPRIYA BANERJEE: Will the Hon'ble Minister be pleased to state whether the Government of Bengal bear the maintenance cost of detenus in the Deoli Detention Camp?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. SATYAPRIYA BANERJEE: In that case, is it not the duty of Government to obtain the information about those detenus asked for by members of this House?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated in this House that detenus in the Deoli Detention Camp are under the administrative control of the Government of India and anything concerning what is under the administrative control of the Government of India cannot be answered in this House.

Mr. ATUL KRISHNA GHOSE: Is it not a fact that journals like the *Amrita Bazar Patrika*, the *Advance* and the *Provashi*, etc., are not allowed to detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as Deoli is concerned, I cannot say anything and so far as other detenus are concerned I submit it does not arise out of this question.

Medical Officers in the Bengal Medical Service.

162. Dr. SYED MUHAMMAD SIDDIQUE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the total number of Medical Officers in the Bengal Medical Service and in the Subordinate Medical Service;

(*b*) how many of them are Muhammadans;

(*c*) how many of the Medical Officers in the Bengal Medical Service have been placed in the cadre of Civil Surgeons;

(*d*) how many of the posts in the cadre of Civil Surgeons are held by Muhammadan officers;

(*e*) whether there is any Government order fixing the proportions of the Muhammadan appointments both in case of (*a*) and in case of (*c*);

(*f*) if so, whether that proportion has been reached; and

(*g*) if not, whether the Government are contemplating the desirability of making up that proportion?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Bengal Medical Service—Upper 162 and Lower 282.

(*b*) Assistant Surgeons 28 and Sub-Assistant Surgeons 35.

(*c*) 13 (of which 10 are permanent and 3 officiating).

(*d*) None at present.

(*e*) Government passed orders in 1926 fixing 33⅓ per cent. as the proportion of new appointments by direct recruitment in the Bengal Medical Service (Upper and Lower) to be given to Muhammadans. There is no Government order fixing the proportion of Muhammadan appointments in the rank of Civil Surgeon, promotions to which are made on the basis of seniority and merit.

(*f*) and (*g*) The member is referred to the reply given in the present session of the Assembly to clause (*b*) of unstarred question No. 139 asked by Mr. Aftab Hossain Joardar.

Epidemic dropsy due to mustard oil.

163. Mr. MUHAMMAD SOLAIMAN: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that—

(*i*) the medical authorities have opined that certain brands of mustard oil produce, if consumed, epidemic dropsy commonly known as Beri Beri;

(*ii*) mustard oil is canned in unhygienic conditions by various dealers; and

(*iii*) the practice in (*ii*) above produces dangerous effect on health?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what remedial measures are taken to—

(*i*) prevent the use of unhygienic canisters by various dealers;

(*ii*) prevent the sale of adulterated mustard oil; and

(*iii*) prevent the filling of mustard oil in old and unclean canisters?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) Investigations carried out by Medical Officers show that adulterated mustard oil in certain instances is capable of producing epidemic dropsy in human beings.

(*ii*) I have no definite information.

(*iii*) If the oil is canned under unhygienic conditions, it may cause harmful effects.

(*b*) The hon'ble member is referred to sections 427 to 432 of the Bengal Municipal Act, 1932, and sections 418 to 426 of the Calcutta Municipal Act, 1923, under which the municipalities in Bengal have adequate power to deal with the use of unhygienic canisters for the storage of mustard oil. Under the provisions of Chapter XXVIII of the Calcutta Municipal Act, 1923, and the provisions of the Bengal Food Adulteration Act, 1919, the local bodies have power to take adequate action against the adulteration of mustard oil.

Tender for the uniform of menials.

164. Mr. DHIRENDRA NARAYAN MUKERJI: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that in accepting tender for the uniform of menials in the Secretariat, Japanese cloth was purchased in preference to Indian?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons why Bengal mill-made stuff was not preferred?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) No.

(*b*) Does not arise.

Chattarpaiya Dacoity case, Noakhali.

165. Mr. SHAH SYED GOLAM SARWAR HOSAINI: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) whether it is a fact that in the Chattarpaiya Dacoity case in the Noakhali district 85 persons were arrested;

(*ii*) that the arrested persons were acquitted; and

(*iii*) that the Sub-Inspector in charge of the case was given a reward of Rs. 100?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) and (*ii*) In this case 78 persons were arrested and 38 persons were sent up for trial. Among these 38, 24 men were committed to the Court of Sessions where 15 men were convicted. On appeal they were acquitted by the Hon'ble High Court.

(*iii*) Yes, in consideration of the specially arduous nature of his work for a long time.

Vesting of powers of Certificate Officers to certain Khas Tahsildars in Noakhali.

166. Mr. SYED ABDUL MAJID: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state on what principles Khas Tahsildars who are mere Kanungoes and also who are in charge of the realisation of rent in their respective circles in the district of Noakhali have been vested with the power of Certificate Officers under the Bengal Public Demands Recovery Act of 1913 and thereby the functions of the Certificate Holder and Certificate Officer have been amalgamated in one and the same person?

(*b*) Is the Hon'ble Minister in charge aware that the result of such amalgamation of functions quite contrary to the elementary principles of justice and equity in one and the same person is simply disastrous, inasmuch as such Khas Tahsildars are often found to defy even the mandatory provisions of law in their inordinate anxiety to show up-to-date and maximum collection in their respective circles?

(*c*) Are the Government considering the desirability of dividing the functions as before and appointing responsible and experienced officers not below the rank of a Sub-Deputy Collector as Certificate Officers having nothing to do with collection works?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The member is referred to the reply given to unstarred question No. 84 asked at this Session of the Assembly.

Persons arrested after their acquittal under the Bengal Criminal Law (Amendment) Act, Regulation III of 1818 and Bengal Suppression of Terrorist Outrages Act since 1930.

167. Babu NARENDRA NARAYAN CHAKRABARTY: Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to lay on the table a statement showing since 1930—

(*a*) the number of persons arrested up to date after their acquittal in criminal prosecutions under—

(*i*) the Bengal Criminal Law Amendment Act,

(*ii*) the Bengal Regulation III of 1818, and

(*iii*) the Bengal Suppression of Terrorist Outrages Act;

(*b*) the number of persons arrested up to date after having served sentences in criminal prosecutions under the said Acts:

(*c*) the number of persons detained or restrained under the said Acts above and have been refused personal allowance with grounds for such refusal; and

(*d*) the number of persons detained or restrained under the said Acts above and have been refused family allowance with grounds for such refusal?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) As far as can be ascertained from an examination of records the numbers are respectively 99 and nil.

(*a*) (*iii*) to (*d*) The information desired cannot be obtained without an elaborate enquiry which Government are not prepared to undertake.

Mr. SASANKA SEKHAR SANYAL: May I rise on a question of the privilege of the House? It appears that the Hon'ble Ministers are capable of answering all other questions except those relating to detenus when they give the stereotyped replies that the information desired cannot be obtained without undertaking elaborate time and labour.

Mr. SPEAKER: You can take it that I am quite helpless in the matter. The House has certainly got full control over the Ministers and if the House so desires it can compel the Ministers to answer questions in the way it thinks the questions should be answered.

The Hon'ble Mr. H. S. SUHRAWARDY: May I suggest that hon'ble members will not ask such questions in future?

Mr. SANTOSH KUMAR BASU: May I suggest to the Hon'ble Minister that the Cabinet should abdicate so that such questions may not arise?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit it is not an abuse of the privilege of the House not to be able to answer questions that are not meant for specific points about specific things. In this case a number of questions have been put which it is not possible to answer because it is extremely difficult to collect the information required.

Rai HARENDRA NATH CHOUDHURY: Can the Hon'ble Member make a reflection on the Speaker after these questions have been admitted by you, Sir?

Mr. SPEAKER: So long as a question has been admitted and it is before the House I do not think it desirable for anybody to say that it is an abuse of the privilege of the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: I admit that it complies with the rules and that it does not offend against them but I say it is

in abuse of the privilege of the House, when the number of questions s limited to 12 to put supplementary questions in the manner in vhich they are being put.

Mr. SANTOSH KUMAR BASU: Has not the Hon'ble Minister challenged the decision of the Chair?

Mr. SPEAKER: As I have often said I must always accept a tatement made by a member of the House. The Hon'ble Minister has aid that he does not mean any reflection on my ruling. As such I ccept his statement. As to whether a member is exercising his right n a particular manner or not I think that is purely a matter of opinion, nd I do not think I have any control over him.

Rai HARENDRA NATH CHOUDHURY: The rule about the uota of 12 questions refers to main questions and not to supplenentary questions.

Mr. HARENDRA KUMAR SUR: With reference to answer (*a*), vhat is the basis of his information?

The Hon'ble Khwaja Sir NAZIMUDDIN: The reports received rom local officers.

Mother of internee, Babu Chandra Kumar Sarkar.

168. Mr. DHIRENDRA NATH DATTA: (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that the mother of Babu Chandra Kumar Sarkar, an internee from the town of Comilla and interned in Deoli Detention Camp, is in distressed condition;

(*ii*) that the other brother of the detenu who had been the earning member of the family has gone mad;

(*iii*) that there were repeated petitions from the mother for some provision for her maintenance; and

(*iv*) that Government has not made any provision for the mother?

(*b*) Is the Government proposing taking any action in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) A representation o this effect has been received.

(*ii*) I am informed that the detenu's brother is sane, and fit for work.

(*iii*) Several petitions for allowance have been received from the family.

(*iv*) My information is that at the time of the detenu's arrest h was dependent on his brother, who supported their mother. No allow ance has therefore been made to the latter.

(*b*) I am making further inquiries regarding the condition of th family and will consider whether an allowance should now be granted regard being had to the provision in section 12 of the Bengal Crimina Law Amendment Act, 1930, that the allowance which Governmen may make to the family of a detenu should not exceed the amoun which in their opinion he himself would have been able to make, i at liberty.

Cases of detenus examined by the present Government.

169. Mr. KISHORI PATI ROY: (*a*) Will the Hon'ble Ministe in charge of the Home (Special) Department be pleased to lay on th table a statement showing the number of cases of detenus that hav been examined by the present Government with the result of suc examination?

(*b*) Do the Government propose to bring to open trial those whom they consider guilty?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I regret that I am not in a position to comply with the request of the hon'ble member a cases are continually coming up to me for review and I have kept n count of them. I would however invite attention to the passage i my statement of the 9th August in which I said that since the 1s April some form of relaxation had been decided on in about 900 cases.

(*b*) No; detention is preventive and not punitive.

Health of the State prisoners under Regulation III of 1818.

170. Babu NARENDRA NARAYAN CHAKRABARTY: Will th Hon'ble Minister in charge of the Home (Special) Department b pleased to lay on the table a statement showing in detail the present state of health of the twenty-one State prisoners under Regulation III of 1818 belonging to this province?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are 16 State prisoners under Regulation III of 1818. From the latest reports which I have received it appears that 12 of them are in satisfactory health; one is suffering from colitis but is improving under treatment, one from gout, cold and insomnia, one from constipation and one from piles and insomnia.

Suicide by detenus and other restricted persons since 1930.

171. Babu NARENDRA NARAYAN CHAKRABARTY: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to lay on the table a statement showing since 1930 the number of detenus and persons restrained for political reasons under the various Acts in force in Bengal that have committed suicide?

(*b*) Is the Hon'ble Minister aware—

(*i*) that detenu Nirendra Lal Bhattacharji committed suicide at the Hijli Detention Camp in February, 1936; and

(*ii*) that he had been suffering for a considerable time previous to the fatal step he took, from indigestion and pain all over the body?

(*c*) If the answer to (*b*) (*a*) is in the affirmative, what steps did the Camp authorities take to provide him with suitable medicines?

(*d*) Is it a fact that the medicines prescribed by the then Civil Surgeon of Midnapore who examined the detenu some days prior to his committing suicide were never supplied in spite of the detenu's repeated petitions to the Government, the last one having been written two days before he committed suicide?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Eight detenus and, as far as I am aware, one other restricted person have committed suicide since 1930.

(*b*) (*i*) Yes.

(*b*) (*ii*) and (*c*) Some fellow detenus deposed at the inquest that the deceased had been complaining of dysentery and heart disease for some time, and that he had complained of pain in his joints and was massaged by one of his friends before going to bed on the night on which he died. The deceased had, since his arrival in the Hijli Camp on the 12th October, 1934, been in indifferent health apparently owing to chronic dysentery. At first he refused to co-operate with the medical staff, but was later on persuaded by the Commandant, to follow the medical advice given him. From the middle of October, 1935, he was given a course of emetine injections followed by a course of stovarsol. On the 1st November, 1935, the detenu was put up before the Civil Surgeon who prescribed a course of Thyroid extract. The course consisting of 23 treatments was completed on the 1st December, 1935. A course of Calcium injection was commenced in November, but as there was an outbreak of small-pox in the Camp and as the detenu was vaccinated, the treatment was suspended for some time and resumed

in the last week of January, 1936. On the 15th December, 1935, he was given a tonic which lasted until the day of his death; and on the day before his death he was given Cod Liver Oil emulsion.

(*d*) It does not appear from the records that the Civil Surgeon prescribed any medicine after the 1st November, 1935. The medicine then prescribed was given to the detenu. There is no record of any complaint having been made to the Commandant or Assistant Commandant by the detenu during the month before his death.

Detenu Babu Satya Ranjan Chattopadhaya.

172. Mr. MANORANJAN BANNERJEE: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact that the detenu Babu Satya Ranjan Chattopadhaya has recently been transferred to Charkekra in the district of Noakhali?

(*b*) Was it ascertained beforehand that the place is not an unhealthy one?

(*c*) Is it a fact that the said detenu has to attend the thana which is a mile off from the place of his detention once daily through mud and water?

(*d*) Is there any arrangement for medical help there?

(*e*) Was any Medical Officer consulted as to the suitability of the place before his transfer to that char?

(*f*) Is it a fact that Satya Babu had to travel by third class from Sealdah to Noakhali?

(*g*) Had he any attack of Pharyngitis on his way to Noakhali and was he sent to the Noakhali Hospital for that?

(*h*) What was his weight in March last and was there any loss of weight since March last?

(*i*) Is it a fact that a sum of Rs. 25 only has been granted to him as his maintenance allowance at Charkekra?

(*j*) Did the Government take into consideration the cost of living at the place at the time of fixing the allowance?

(*k*) Will the Hon'ble Minister be also pleased to state the measurement of the hut at which the detenu is permitted to live?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes, in June last.

(*b*) The place is not unhealthy.

(*c*) The detenu has to report daily at the thana which is about a quarter mile off. I understand that one can reach the thana by a District Board Road from the detenu's quarters.

(*d*) There is a District Board Dispensary.

(*e*) Does not arise.

(*f*) and (*g*) I have no information.

(*h*) Detenus in village domicile are not weighed.

(*i*) and (*j*) Yes.

(*k*) I have no information about this detenu's quarters. The normal dimensions of the living room of a detenu in village domicile are 10 to 12 feet square and 10 to 12 feet high with a verandah 5 to 6 feet wide.

Srimati Prafulla Nalini Brahma.

173. Mr. DHIRENDRA NATH DATTA: (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that Srimati Prafulla Nalini Brahma was an internee in the house of her father at Comilla;

(*ii*) that on the eighth day of her last illness the father of the internee wrote to the District Magistrate, Tippera, requesting him to make arrangement for her proper treatment;

(*iii*) that she died after a protracted illness for about one month; and

(*iv*) that no arrangement was made for her treatment till two days before her death?

(*b*) Is the Hon'ble Minister also aware—

(*i*) that the young men who carried the dead body to the cremation ground at Comilla were sent for by the Intelligence Branch, Comilla;

(*ii*) that two of them were beaten causing bleeding and injury on their persons by the officers of the Intelligence Branch, Comilla; and

(*iii*) that the father of one of the young men, Babu Radhika Mohan Mukherjee, Muktear, Comilla, complained to the Superintendent of Police and to the District Magistrate of Tippera against the torture upon his young son but without any effect?

(*c*) Is the Hon'ble Minister considering the desirability of inquiring into the matter referred to in (*b*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: I welcome this opportunity of removing any misapprehensions which may be entertained about this case. Miss Prafulla Nalini Brahma after a period of detention in

Hijli Detention Jail, and in the village home of her family, was interned in her father's house in Comilla in October, 1935. In a letter received from her in December, 1936, she asked for an opportunity to do some work from which it can be concluded that she was then in good health. On the 3rd February her father reported to the District Magistrate that she was ill, and was told on the same day that as she was in her own home arrangements for her treatment would have to be made by him. Nothing more was heard about the lady's illness until the 18th February, but it is known that she was being attended by two well-known local doctors, one of whom was a relative of the family. On the 18th the Military Intelligence Officer hearing that she was dangerously ill went to her father's house and persuaded the family to call in the Medical Officer in charge of the troops stationed at Comilla. This officer, a Captain in the Indian Medical Service, visited the deceased on the 18th, 19th, 20th and 21st; he did not accept any fees after the first visit. The District Magistrate, on his own responsibility, sent for a nurse from Dacca but the detenu died shortly after her arrival.

A number of young men who carried red flags with the device of the hammer and sickle and shouted revolutionary slogans when the dead body was being taken to the cremation ground, were instructed to attend at the office of the Intelligence Branch, where they were questioned. It is untrue that two of them were beaten as insinuated in clause (*b*) (*ii*) of the question. A complaint, dated the 28th of February, that one of the young men had been beaten was received on the 2nd of March, but on inquiry it was found to be without any foundation. I am satisfied that Government officers showed all possible consideration to Miss Brahma and her family, and I see no reason for making any further inquiries.

Mr. HARENDRA KUMAR SUR: With reference to answer (*b*), was that enquiry confidential or public?

The Hon'ble Khwaja Sir NAZIMUDDIN: There was no public enquiry.

Civil Surgeons.

174. Mr. A. M. ABDUL HAMID: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the total number of Civil Surgeons in the province?

(*b*) How many of them are Mussalmans?

(*c*) How many of them are the scheduled castes?

(*d*) Will the Hon'ble Minister be pleased to state the total number of Assistant Surgeon?

(*e*) How many of them are Mussalmans?

(*f*) How many of them are scheduled castes?

(*g*) Will the Hon'ble Minister be pleased to state the total number of Assistant Surgeons recruited during the last five years and how many of them happened to be—

(*i*) Mussalmans; and

(*ii*) Scheduled Castes?

(*h*) Will the Hon'ble Minister be pleased to state the total number of Mussalmans that passed the M.B. or the allied examinations during the said year?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Total number—27.

(*b*) None at present.

(*c*) None.

(*d*) 162 (including Bengal Medical Service Civil Surgeons and temporary Assistant Surgeons).

(*e*) Mussalmans—28.

(*f*) Scheduled castes—5.

(*g*) Total number—65.

(*i*) Mussalmans—21.

(*ii*) Scheduled castes—6.

(*h*) M.R. 64 and L.M.F. 12.

Mr. MONMOHAN DAS: With reference to answer (*g*)(*ii*), do the six members belong to the scheduled castes or any other minority community?

The Hon'ble Maulvi SYED NAUSHER ALI: The answer is clear, viz., scheduled castes 6, so that question does not arise.

Assistant Sub-Inspectors promoted to officiate as Sub-Inspectors of Police, Jessore.

175. Mr. RASIK LAL BISWAS: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay a statement showing for the district of Jessore—

(*i*) the present total number of Assistant Sub-Inspectors of Police;

(*ii*) the number of Assistant Sub-Inspectors promoted to officiate as Sub-Inspectors of Police since the 1st January, 1929;

(*iii*) the number confirmed as Sub-Inspectors of Police out of that; and

(*iv*) the number reverted to Assistant Sub-Inspectorship with (*a*) their names, (*b*) the dates of their appointment, (*c*) the dates on which each of them was allowed to officiate in higher posts, and (*d*) the dates on which each of them was reverted?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) 48, (*ii*) 34 and (*iii*) 7.

(*iv*) A statement is laid on the table.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state whether the six Assistant Sub-Inspectors who had been officiating as Sub-Inspectors of Police for a long time and have been reverted now will be given a chance to officiate as Sub-Inspectors again?

The Hon'ble Khwaja Sir NAZIMUDDIN: It depends on their work.

Statement referred to in the answer to clause (iv) of unstarred question No. 175.

DISTRICT JESSORE.

Name of Assistant Sub-Inspectors.	Date of appointment as Assistant Sub-Inspector.	Date on which they were allowed to officiate in higher posts.	Date of reversion.	Remarks.
(1) Satish Chandra Acharji ..	1st January 1921 ..	16th July 1929 ..	24th October 1929.	
(2) Keshab Lal Das ..	Ditto ..	1st April 1931 ..	19th December 1931.	
		1st April 1932 ..	21st July 1932.	
		26th August 1932 ..	19th December 1932.	
		17th August 1935 ..	20th December 1935.	
		2nd January 1936 ..	2nd March 1936.	
(3) Kailash Chandra Mukharji ..	1st April 1918 ..	1st January 1929 ..	26th June 1935 ..	Discharged on retiring pension.
(4) Lalit Mohan Sen ..	1st October 1915 ..	1st January 1929 ..	28th November 1936	He is on long leave now.
(5) Surendra Nath Das ..	10th December 1916	15th July 1930 ..	19th August 1930 ..	On long leave.
		4th September 1930 ..	24th October 1930.	
		5th November 1930 ..	15th December 1930.	
		1st March 1931 ..	19th December 1931.	
		23rd January 1932 ..	15th February 1932.	
		18th February 1932 ..	23rd June 1933.	
		2nd November 1933	11th January 1935.	
		2nd February 1935 ..	4th April 1935.	
(6) Dabiruddin Ahamed ..	20th July 1918 ..	11th April 1930 ..	20th December 1930.	
		1st January 1931 ..	20th December 1931.	
		23rd January 1932 ..	19th December 1932.	
(7) Khan Md. Reazaul Haque ..	31st March 1919 ..	....	....	Died on 19th December 1934.
(8) Manindra Nath Roy Chaudhuri	29th October 1920 ..	8th February 1930 .	19th December 1932	Now on long leave.
		26th June 1936 ..	22nd December 1936.	
		16th January 1937 ..	16th May 1937.	

Name of Assistant Sub-Inspectors.	Date of appointment as Assistant Sub-Inspector.	Date on which they were allowed to officiate in higher posts.	Date of reversion.	Remarks.
(9) Arun Kumar Biswas ..	26th November 1920	22nd July 1933 .. 20th April 1934 ..	20th December 1933. 2nd October 1934.	
(10) Brojendra Nath Mitra ..	5th January 1924 ..	5th July 1929 .. 1st July 1930 .. 1st November 1930 .. 1st January 1931 .. 14th July 1933 ..	20th December 1929 10th October 1930. 20th December 1930. 19th December 1932. 1st April 1937.	Now on long leave.
(11) Jogendra Nath Sikdar ..	9th January 1925 ..	1st July 1931 .. 23rd January 1932 .. 16th November 1933 12th July 1936 ..	19th December 1931 10th November 1933. 26th June 1936. 1st April 1937.	Now on long leave.
(12) Rakhal Chandra Kar ..	9th January 1925 ..	1st July 1931 .. 23rd January 1932 .. 18th May 1934 .. 1st November 1936 ..	19th December 1931 17th April 1934. 27th June 1936. 6th January 1937.	Now on long leave.
(13) Golam Haider ..	6th September 1925 ..	9th July 1929 .. 8th June 1930 .. 1st November 1931 .. 12th May 1931 .. 9th October 1932 .. 8th November 1933 .. 10th January 1934 .. 11th March 1935 ..	11th July 1929 .. 20th December 1930. 5th February 1931. 1st October 1932. 25th October 1933. 20th December 1933. 1st January 1935. 1st April 1937.	Now on long leave.

Submission about questions and answers.

Mr. SIBNATH BANERJEE: I want to make a submission to you, Sir, about questions and answers. My submission is that the dates on which particular questions are received may be printed along with the answers. This system is followed in the Central Legislature at Delhi and Simla so that members may know when the questions were received. I think the same procedure may be followed here.

Mr. SPEAKER: If you will kindly draw my attention to it about a month before the commencement of the next session, I shall certainly look into the matter and take necessary steps.

Sanitation of Assembly House.

Maulvi AZHAR ALI: On a point of query, Sir, regarding the sanitary condition of this House. I think that it is desirable in the interests of sanitation that, as soon as the sitting of the Council is over, all the doors should remain open; otherwise the House becomes very insanitary.

Time schedule.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, with regard to the time schedule for the 17th and the 18th of this month we find that there is no business fixed for these two days, and I wonder whether you would allot another day for the discussion of resolutions on matters of public interest.

Mr. SPEAKER: Mr. Dutta Mazumdar, as I explained to this House the other day, allotment of days is not within the power of the Speaker. It is for the Governor to decide. I discussed this matter with the leaders of the different groups, and the Hon'ble Ministers, and I understand that members are very anxious not to have any sitting on those two days, because they feel that it has been quite a long enough session already. That is the arrangement arrived at yesterday.

GOVERNMENT BILL.

Discussion of the Bengal Tenancy (Amendment) Bill, 1937.

Mr. SPEAKER: We will now resume the discussion of the Bengal Tenancy (Amendment) Bill, 1937. Before we proceed, I must say that I feel very much grateful to Mr. Curtis Millar and Maulvi Abdul Bari for drawing my attention to the nature of the question which was put forward before the House, viz., the amendment moved by the Hon'ble

Sir Bijoy Prasad Singh Roy. I find that it is not at all in the nature of a drafting change as I originally thought it to be, but a substantial change. And not only that; I find that there is a reference in that draft which makes it desirable that that draft should be put before the House after section 26C is discussed, because, otherwise, the House would be put to the difficult position of passing a requirement which is coming before the House at a later stage. In those circumstances, I feel that it would be desirable to put the two clauses separately and leave this out till we finish the other item, viz., section 26F. That may be left for the time being. Do you agree to this, Sir Bijoy?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. C. MILLAR: On a point of order, Sir. May we ask your ruling with regard to this amendment? Yesterday you very kindly gave us time to consider it, and we have now had the amendment in our hands since the House met to-day. It appears to bring in something on which we would like to have your ruling, as to whether it is, or is not, within the scope of the Bill. The amendment proposes to grant a right of pre-emption to co-sharers. The clause to which it is an amendment relates to a totally different kind of pre-emption—a pre-emption based upon property. The two are fundamentally different in character, and we would like when the time comes to have your ruling as to whether this new clause can arise at all. We raise this point of order, Sir, merely on a point of procedure, and not in connection with the merits of the proposal.

Mr. SPEAKER: As regards section 26F, I think the House will understand that I want to put off section 26F till a later stage, and as such, I do not think that the matter is really one which is likely to come up to-day at all. And if it comes up, it will come up on the 20th September, and I would then give my decision as to whether it is within the scope of the Bill or not, because it will affect not only this amendment, but also the substantive amendment moved by Mr. Surendra Nath Biswas. Both of them stand on the same footing; if one is to be ruled out, the other also has to be ruled out, and I promise to give my decision on the 20th of September next, *i.e.*, next Monday. In the meantime we can discuss sections 26D and 26E. I think I can keep out section 26F from to-day's discussion, and put sections 26D and 26E separately as I did yesterday. Am I correct, Sir Bijoy?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. SPEAKER: The question before the House is that section 26D be repealed.

The motion was put and agreed to.

Mr. SPEAKER: The question before the House is that section 26E be repealed.

The motion was put and agreed to.

Mr. SPEAKER: That leaves out section 26F for the time being. We will now proceed to the other sections.

Mr. SURENDRA NATH BISWAS: Then I take it that my amendment will be taken up along with the consideration of section 26F.

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: Sir, I have to seek your protection on the point of order raised by Mr. Millar. May I take it that you will consult the leaders of the different groups or permit other questions to be raised in connection with the point raised by Mr. Millar?

Mr. SPEAKER: Dr. Sanyal, as a matter of fact if I have to give a ruling it will be not merely in connection with a particular clause but in connection with any other clause to which amendments may be moved. As you know, I have already asked for a note from members, who have tabled amendments and which I tentatively consider to be out of scope, giving their views in this matter, so that they may be taken up for consideration.

Rai HARENDRA NATH CHOUDHURY: On a point of order, Sir. As regards other clauses which do not come within the scope of the Bill, the questions that relate to those clauses are altogether different, because it is a repealing clause.

Mr. SPEAKER: Yes, I quite see your point.

Clause 3.

Mr. SPEAKER: Shall I take up clause 3 or clause 4 now?

Rai HARENDRA NATH CHOUDHURY: On a point of order again, Sir. It is the practice in the House of Commons that postponed clauses should be taken up after all the clauses have been gone into, unless there is a specific order to the effect that "particular clause or clauses must be taken up at a certain stage."

Mr. SPEAKER: It is entirely in the discretion of the Chair. I now want to know whether clause 3 should be taken up later, so that we could take up clause 4 now.

Mr. SURENDRA NATH BISWAS: In my submission, Sir, clause 4 should come up first, for it states the number of sections which are to be repealed.

Mr. SPEAKER: My idea is that we should finish clauses 4 and 6 first and then take up clauses 3 and 7 together which are repealing provisions.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Is it your ruling, Sir, that we take up clause 4 first?

Mr. SPEAKER: Yes.

Clause 4.

Rai HARENDRA NATH CHOUDHURY: On a point of order, Sir. There are motions standing in the name of the Hon'ble Minister in charge, and the practice is that the mover of the Bill ought to get precedence.

Mr. SPEAKER: I had prepared a note for my own use regarding these various amendments, which unfortunately I cannot find now. I find, however, that if Sir Bijoy moves his own amendments, then most of the other amendments will not arise.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: With regard to these amendments, I find myself in some difficulty as some of them are consequential to section 26F, and, therefore, I was suggesting slight amendments to the amendments which I have already put in, because if the amendment of Mr. Surendra Nath Biswas, as modified by me, is accepted by the House, then I shall have to move these amendments in a different form.

Mr. SPEAKER: I do not find anything in section 26F which requires that that section should be taken up first.

Rai HARENDRA NATH CHOUDHURY: Besides, Sir, there is no reference to section 26F in clause 4.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What I wanted to do, Sir, is to include in my amendments——

Mr. SPEAKER: On the other hand, the existence of section 26F depends on the acceptance of clause 4.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My amendments begin from No. 207 and end with No. 212.

Mr. SPEAKER: It seems that you have got no amendments under clause 4.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I submit, Sir, that section 26F should be taken up first, because section 26C is consequential to section 26F.

Mr. SPEAKER: How is that so? I think that is not the case. Will you please explain?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I shall just explain. Section 26C also provides for the manner of transfer and notice to landlords, and section 26F——

Mr. SPEAKER: But we have done away with the landlord's transfer-fee, so how is section 26C affected by section 26F?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Because if the notice-fee for landlords is deleted, the notice to the co-sharer tenant will come in there.

Mr. SPEAKER: Therefore, you will have to move a fresh amendment to section 26C.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is what I was going to do, Sir.

Dr. NALINAKSHA SANYAL: I submit, Sir, these two things are contradictory.

Mr. SPEAKER: It seems you are going to move a short-notice amendment as regards section 26C, and you also want us to take up consideration of section 26F. There may be provision for notice under many clauses. What about that?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As regards some of my amendments, the way in which I propose to deal with them is to include notice to landlords and notice to co-sharer tenants in one provision.

Mr. SPEAKER: That is in section 26C, but notice to co-sharer tenants does not come in unless you accept section 26F. It is for you to decide what to do, because it is becoming a sort of jigsaw puzzle to me. You say that a co-sharer's right of pre-emption can be exercised under section 26F proceedings within a certain period of the notice?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. SPEAKER: But notice to be given to the co-sharer is irrespective of the right of pre-emption!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Quite so, Sir.

Mr. SPEAKER: I can quite understand that the notice to the co-sharer is irrespective of the right of pre-emption which is now being created for him.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I submit, Sir, that it is not so.

Mr. SPEAKER: Otherwise, there would be no necessity—no legal necessity—of giving notice to the co-sharers.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, there is no legal necessity.

Mr. SPEAKER: Then, why do you make it so cumbrous? On the other hand, section 26F, in the manner in which it has been drafted, makes the notice provided in section 26C unnecessary. If I put it to the House and the House accepts it or rejects it, the House will be placed in a conundrum.

My idea was to include all notices, namely, notices to the landlords, notices to the co-sharer tenants, on the assumption that 26F would be accepted. If 26F is not ultimately accepted, then under section 26C notice will be given only to landlords. If 26F is accepted, we shall have to provide again for notices to the co-sharer tenants in a different section. That would be rather cumbrous.

Rai HARENDRA NATH CHOUDHURY: The Hon'ble Minister is suffering from a confusion of thought.

Mr. SPEAKER: I think it is more correct to say that we are all suffering from it.

Rai HARENDRA NATH CHOUDHURY: 26C contemplates the manner of transfer and notice to landlords only.

Mr. SPEAKER: You have not seen the new provision in clause 4.

Rai HARENDRA NATH CHOUDHURY: I have seen it. My submission is that confusion should not be made between notice to the landlord and notice to the co-sharer tenant.

Mr. SPEAKER: It is not for the Speaker to suggest any drafting material. I think the best thing for you to do when you provide a right by a substantive provision, to provide for the question of giving notice in that section also. You can transfer the provision of giving notices from section 26C to 26F afterwards.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I accept that, but it would be better and more convenient if you can put all the notices in section 26C, but I find it is rather inconvenient——

Mr. SPEAKER: I think it is the practice to re-number the clauses later on. If both the clauses are taken together for the sake of convenience, you are entitled to renumber the substantive motion and separate the irrelevant portion and move it as an amendment to section 26F at a later stage. I think if it is done there will be no difficulty at the third reading stage to re-number it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I accept it.

Mr. SURENDRA NATH BISWAS: I submit there ought to be a provision in section 26C for notice to the co-sharer tenants. There are some amendments that will take effect immediately after the mutation and transfer. Suppose a portion of the holding is transferred, the mutation and transfer will take place simultaneously. So the question of notice is inconsistent with section 26C. So there is no bar to provide for giving notice to the co-sharer tenant in 26C before 26F comes. On the other hand, if 26F comes and in it there is a reference to notice under section 26C, now as the Bill stands and as the present section stands in the Act, there is no provision for notice being given to the co-sharer tenants unless 26C is amended.

Mr. SPEAKER: The draftsman can always avoid that by saying that notwithstanding anything contained in section 26C no transfer shall be valid unless it is further accompanied by a further provision. That will legalise the section.

Mr. SURENDRA NATH BISWAS: There may be provision in 26C for giving notice to the co-sharer tenants but that will be irrelevant.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I agree for the sake of simplicity.

Mr. SPEAKER: Let is now proceed with amendment No. 207 onwards.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 4 in proposed section 26C(*1*) in line 12 the words "and a landlord's notice-fee of Re. 1" be omitted.

This is in pursuance of the Government decision to do away with the landlord's notice-fee also.

Kumar SHIB SHEKHARESWAR ROY: May I know why this change of attitude?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Because there is some misrepresentation and misconception about the notice-fee in some quarter. Government thought it better to do away with this provision so that it may not be interpreted as landlord's transfer-fee.

I beg to move—

That in clause 4 in proposed section 26C(*1*), in line 12, the words "and a landlord's notice fee of one rupee" be omitted.

That in clause 4 in proposed section 26C(*1*) in lines 14 and 15 the words "and the prescribed cost of transmission of such notice fee to" be omitted.

That in clause 4 in proposed section 26C(*2*) in line 4 the words "notice fee" be omitted.

That in clause 4 in proposed section 26C(*2*) in line 4 the words "and transmission cost" be omitted.

That in clause 4 in proposed section 26C(*3*) in line 10 the words "notice fee" be omitted.

That in clause 4 in proposed section 26C(*2*) in lines 10 and 11 the words "and transmission cost" be omitted.

All these are consequential.

Mr. SPEAKER: I take it that the House understands the implication of the amendments moved by the Hon'ble Minister. The implication is that along with each transfer there will be process-fee with no cost of transmission and landlord's notice-fee.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, that is exactly what my amendments intend.

Mr. C. MORGAN: May I ask a question? To whom will the notice be sent?

Mr. SPEAKER: The effect of Sir Bijoy's amendment will be that in case of any transfer it must be accompanied by a notice giving particulars of the transfer in the prescribed form, together with a process-fee prescribed for the service of such notice on the landlord or his common agent. That makes it clear.

Maulvi ABDUL BARI: I beg to move that in clause 4 in proposed section 26C(1) in line 4 after the word "bequest" the words "or gift including *heba*" be inserted.

Sir, I shall state my reasons in a sentence. The word "bequest" has been included in the amendment. For example, when there has been a bequest that deed of bequest will not be subjected to any landlord's transfer-fee or the deposit of any transmission cost or anything consequent thereon. In the original Act, namely, the amendment of 1928, not only did the word "bequest" appear, but, Sir, the words "or gift including *heba*" appeared. The reason is why the word "bequest" is put in is that it appears in the Hindu law but this word does not appear in the Muhammadan law. In the Muhammadan law the word "*heba*" is used; but the implication of the word "bequest" is similar to the word "*heba*". Therefore only to make some provision for a deed executed by a Muhammadan the words "or gift including *heba*" were incorporated in the amended Act of 1928. Similarly, in the present provision the words "or gift including *heba*" should be inserted after the word "bequest" in the interest of the Muslim community.

Kumar SHIB SHEKHARESWAR ROY: What is the procedure with regard to the "*hebas*"? Are they registered or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very likely outside the scope of the Bill, because this talks of registration. The suggestion is which document is to be registered and which not. This relates to section 123 of the Transfer of Property Act. I do not think under the Bengal Tenancy Act we can decide which document is to be registered and which not. I will ask my friend to consider that point.

Maulvi ABDUL BARI: A gift by document is a bequest. A *heba* is a gift by document and so far as the deed of *heba* is concerned it may be either registered or unregistered. I submit that *heba* may also be oral. Therefore neither the Revenue Minister nor the Kumar Saheb is right in saying that it does not come within the purview of this section. In this connection, I would refer to section 26D. In the proviso we find there is provision for landlords' fee in case of transfer or a bequest including *heba*. If it was really a fact that the word bequest or gift could not be covered by this section, then surely these words would not have occurred in the Act which was very carefully drafted at that time. The

inclusion of the word "*heba*" means that it must be a registered document and therefore the transfer-fee should be paid. I do not see any reason why there should be any objection from Government side.

Mr. SPEAKER: I do not understand the exact implication of Sir Bijoy's amendment. As I understand it, section 26C provides that everything transferred excepting transfer by a bequest or sale in execution of a decree must be registered. Therefore a bequest or for the matter of that a *heba,* if included, need not be registered by sub-clause (*1*). Your contention is otherwise. It will compulsorily require that all *hebas* are to be registered, but I feel that if the language is "for transfer other than by bequest or gift including *heba*" registration is not operative on the *heba.*

Babu JATINDRA NATH BASU: The case of a bequest or gift by will is not the same as sale in execution of a decree. My friend Mr. Bari is not correct in saying that there is no bequest under the Muhammadan law. Under that law a certain part of a property of a testator can be given as a bequest. A bequest under the Muhammadan law is a voluntary act, while a sale in execution is not voluntary. Therefore a bequest which is made by a will and sale in execution were excluded. If you insert other documents in the provision, you may also provide that those transactions can be effected without registration which is not the intention of Government——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My point is this that here we are enumerating which instrument should be executed by registered instrument and we are making an exception also in the case of *heba-bilewaj* and therefore it will not be required to be registered.

Maulvi TAMIZUDDIN KHAN: On a point of order, Sir. My point is this: Can we specifically mention that *heba-bilewaj* should be excluded, because it is not guided by the Transfer of Propety Act?

Babu JATINDRA NATH BASU: Bequest is guided by the Transfer of Property Act but *heba-bilewaj* need not be registered if given effect to immediately.

Mr. SPEAKER: There is a little misunderstanding. I am not concerned with the merit of the case. I am only concerned as to the relevancy of the particular amendment. Mr. Abdul Bari in referring to his amendment on the deed of gift—*heba*—has taken some other amendment with reference to clause (2) and also he wants to add *heba-bilewaj.*

Maulvi TAMIZUDDIN KHAN: I think there is a misunderstanding so far as *heba* is concerned. *Heba* can be made orally; if this is made orally, there can be no objection to it, but if there is a document, in order to make that document admissible, it must be registered. Therefore I think what Mr. Bari said is quite correct. If we exclude *heba* from the operation of this section, thereby we make a document by way of *heba* not compulsorily registerable which we cannot do under the provisions of this Bill. I think therefore a legal difficulty arises.

Mr. SPEAKER: I do not know. It is for Government to decide.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I can inform my hon'ble friend that this point was rather carefully examined by the department and the department is of opinion that *heba* should not be included.

Mr. SPEAKER: Mr. Bari, do you insist on your amendment?

Maulvi ABDUL BARI: Yes, Sir, I do.

Mr. SPEAKER: As Mr. Bari insists on his amendment, I will consider it at the time when I put it.

Kumar SHIB SHEKHARESWAR ROY: On a point of order, Sir. If *heba* is not to be registered, it will affect Government revenue.

Mr. SPEAKER: The Finance Minister will protect Government revenues. I am not concerned with it: Will the Kumar Sahib please say under what section the House cannot take cognisance?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I suggest that this amendment may stand over and we may take cognisance?

Mr. SPEAKER: But the difficulty is that to-day is the last day and we want to postpone things and yet we are all anxious to finish. If in every section a legal difficulty arises and you want to postpone it, I think it would be much better to face facts.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The point is this. This is a matter which requires careful consideration and there is a difference of opinion on this question. It is not a question of principle or anything like that. It is merely a technical question and I want to be very sure before I either accept or reject the amendment.

Maulvi TAMIZUDDIN KHAN: Supposing, Sir, you allow this motion on a future day, will any discussion be allowed then on this amendment?

Mr. SPEAKER: What I propose to do is to secure all the amendments and to open all the amendments and motions for discussion.

At this stage the House was adjourned for 15 minutes.

(After adjournment.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 4 in proposed sub-section (*4*) of section 26C at the end the following be added, namely:—

"and after receipt of the said notice, the landlord or landlord's agent, as the case may be, shall not refuse to recognise the transferee as the tenant in respect of the holding or portion or share thereof transferred nor omit to enter the transferee's name in the landlord's rent-roll, except on the ground that the transferor had no transferable interest in the holding or portion or share thereof transferred:

Provided that such recognition shall not operate as an admission of the amount of rent or the area or any incident of such occupancy holding other than the existence of a right of occupancy therein or be deemed to constitute an express consent of the landlord to the division of the holding or to the distribution of the rent payable in respect thereof."

Maulvi ABDUL BARI: Sir, in view of the Hon'ble Minister's motion, I do not want to move my amendment.

Mr. SPEAKER: I may point out to the House that Mr. Bari does not want to move No. 99 over which we had so much discussion.

Mr. MD. ABDUL JABBAR PALWAN: Sir, I beg to move that in clause 4 in sub-section (*3*) of the proposed section 26(C) after the word "deposits" state the words "A landlord's fee, transfer-fee twenty per cent., of the sale price or five times the annual rent of the holding or the portion or share transferred whichever is greater", be added.

Sir, I beg also to move that in clause 4 in sub-section (*4*) of the proposed section 26(C) after the word "post" the words "and shall send the said landlord's fee to the said landlord or his common agent, if any, after deducting the cost of remittance", be added.

He delivered a speech in Bengali in support of his motions.

Regarding substitution of new section 26C.

Mr. NISHITHA NATH KUNDU: Sir, I beg to move that in clause 4 of the amended Bill for the proposed substituted new section 26C, the following be substituted:—

"26C. Excepting as provided hereafter in section 26G, an occupancy raiyat shall be subject to the same provision with respect to the transfer of, and succession to, his holding as the holder of a raiyati holding at a rent or a rate of rent fixed in perpetuity."

Sir, I do not know what will be the fate of the amendment; but in order to be consistent with the existing provisions of the Bengal Tenancy Act, I submit that this amendment will be the only consistent amendment that should be passed by the House. We know, Sir, that there are two classes of raiyats: firstly occupancy raiyats and secondly, raiyats at fixed rates of rent. Undoubtedly, the raiyat at fixed rates have better rights. If we do not amend section 18 of the Bengal Tenancy Act which provides for the transfer and succession of rights of raiyats at fixed rates of rent, it will be inconsistent to give more rights and privileges to occupancy raiyats who are undoubtedly inferior in regard to title to the raiyats at fixed rates. The principle of amending the Bengal Tenancy Act, as we have heard from the Hon'ble Revenue Minister ,is to recognise the tillers as the real proprietors of the soil. We know also that amongst the raiyats at fixed rates there are a very large number of tillers. So I do not know why the Hon'ble Minister has made this differentiation between the tillers who are raiyats at fixed rates and tillers who are occupancy raiyats.

Then, Sir, the Hon'ble Revenue Minister has also made a differentiation between raiyats who are Khas Mahal tenants and others. I do not know if he has made this differentiation only, because the former are tenants of the Government who is a more powerful landlord. We are legislators and we should not make any differentiation between tillers and tillers. If tillers who posses better rights, viz., raiyats at fixed rates have to give a *salami* which ranges from Rs. 2 to Rs. 100, there is no reason why occupancy raiyats should be exempted from giving such *salami*. I hope I shall not be misunderstood that I am in favour of giving any *salami* to landlords, as of right, but if you keep section 18 unamended, it would only be reasonable that the occupancy raiyats should be given the same rights as are given to the raiyats at fixed rates under section 18 of the Bengal Tenancy Act.

The Hon'ble Revenue Minister thought at a late stage that there should be no fee whatsoever either landlord's fee or any other fee, viz., notice fee in guise of landlord's fee. If he thought fit to abolish landlord's fee in case of occupancy raiyat, it would be inconsistent to keep section 18 intact. With these few words, I commend my amendment to the House for acceptance.

Mr. SPEAKER: Mr. Tamizuddin Khan, I think it is not necessary for you to move it now. You will be entitled to move it at a later stage.

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 4 in the proposed new section 26C(*1*) in line 10 in the place of the word "sold" the word "transferred" be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are prepared to accept the amendment.

Mr. SHAHEDALI: I beg to move that in clause 4 in the proposed section 26C(*1*) from the 12th line, the words "and a landlord's notice-fee of one rupee" and from the last two lines, the words "and the prescribed cost of transmission of such notice-fee to" shall be omitted. I beg also to move that from sub-section (*2*) of the said section, the words "a notice-fee" and "and transmission cost" shall be omitted.

Maulvi ABDUL BARI: On a point of order, Sir. Is the member entitled to move this amendment at this stage.

Mr. SPEAKER: As a matter of fact, I would see to the language of the both and examine whether one will have to be ruled out.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What I suggest, Sir, is that clause 4 should not be put to vote till we have decided about section 26C.

Maulvi TAMIZUDDIN KHAN: May I discuss the motions that have been moved?

Mr. SPEAKER: The House can discuss all these amendments.

Maulvi TAMIZUDDIN KHAN: First of all I want to deal with the motion moved by the Hon'ble Sir Bijoy Prasad Singh Roy—Motion No. 351A—wherein he proposes that in clause 4 in proposed sub-section (*4*) of section 26C at the end the following should be added. I think that this is the most important of all the motions that have been moved under clause 4. My friend Maulvi Abdul Bari also wanted to move a somewhat similar motion but in view of the fact that the Hon'ble Minister has moved a motion of his own incorporating certain things that Maulvi Abdul Bari wanted to incorporate in his own motion, he has not done so. I think, Sir, that the form in which this amendment has been moved will not remove many of the grievances of the transferors and transferees. We know that even under the present Act.

namely, the Bengal Tenancy Amendment Act of 1928 although occupancy holdings are transferable on payment of landlord's fee, what we find is that landlords do not very often mutate the names of the transferees and what they do is to bring suits for rents against the transferors. That being so, Sir, although the transferee has paid the landlord's fee yet the position of the transferor is not always safe, particularly when it is a question of a part or a share of a holding. What the Hon'ble Minister proposes is that the landlord or his agent cannot refuse to recognise the transferee as the tenant in respect of the holding or portions or shares thereof, nor refuse to enter the transferee's name in the landlord's rent roll except on the ground that the transferor had no transferable interest in the holding or portion thereof. If this clause is passed in this form, I apprehend that in almost every case the landlord or his agent will refuse to recognise or mutate the name of the transferee on the ground that he had no saleable interest. The landlord can always raise that question if we give him this wide power. This latter portion, I think, is altogether unnecessary. Sir, whether a holding is not legally transferable that is a question which can be decided only by a court of law. I may not have a right of occupancy in the holding, but I may assert that I have a right of occupancy in that holding. In that case the landlord will have his rights under the ordinary law. He will be entitled to refuse to do anything with transferee in such a case. If on the other hand I have an occupancy right and I have transferred it the landlord should be bound to recognise me. But if this clause stands as it is he will be entitled under that plea to refuse to recognise the transferee in almost every case. If he is not an honest landlord then I think he will refuse to recognise the transferee or to enter the name of the transferee in his rent roll in almost every case.

I, therefore, think that the last portion of the first paragraph should be omitted, viz., "except on the ground that the transferor had no transferable interest in the holding or portion or share thereof transferred." That is one thing, Sir. Secondly, my proposal is that there should be a clear provision here that the landlords shall not be entitled to recover rent from the transferor: there should be a clear provision to this effect. One may say, Sir, that that follows *ipso facto* from the provision that if a man transfers his holding, why should he again be held responsible for the rent which has fallen due already. One may say so, Sir, but I beg to submit that unscrupulous landlords may choose to bring suits against the transferors and thus harass them. They are very often so unscrupulous and ruthless that anyhow they will try to squeeze out some money from the tenants. Therefore, I think that there should be a clear provision to the effect that after a transfer is made the landlords shall not be able to recover any rent from the transferor in respect of any holdings or share or part of a holding which is transferred. (Kumar SHIB SHEKHARESWAR ROY:

What about arrears?) So far as arrears are concerned, they shoul be recoverable. I am only speaking here of rent that may fall du after the date of transfer. It appears that my honourable friend th Kumar Sahib is also not willing to disagree with a proposition lik this. What I say, Sir, is that, whether he agrees or disagrees i altogether a different matter. I refer to that only incidentally. I my amendment is reasonable, I hope the House will accept it. I thin I am not yet in order when I say that my amendment should b accepted, as I have not yet moved it, and it depends upon you, Sir whether you at this stage will be pleased to permit me to move a shor notice amendment to that effect. In fact, the amendment of th Hon'ble Sir Bijoy Prasad Singh Roy is a short-notice one.

Mr. SPEAKER: But yours is still shorter.

Maulvi TAMIZUDDIN KHAN: Although Sir Bijoy's amend ment is a short-notice amendment, yet it is a very long amendment I think, Sir, if you are not going to put it just now——

Mr. SPEAKER: Of course, I am going to put all these amend ments to-day, though not the clause. Will you please hand over you amendment to me?

(Maulvi Tamizuddin Khan handed over his amendment t Mr. Speaker.)

Maulvi TAMIZUDDIN KHAN: I have already explained th points in my short-notice amendment.

Mr. SPEAKER: It is very difficult off-hand to find out exactly what you mean. It reads: After the receipt of the said notice th landlord or landlord's agents, as the case may be, shall recognise th transferee as the tenant in respect of the holding or portion or shar thereof transferred and shall enter the transferee's name in the land lord's rent-roll and the landlords shall not be entitled to recover fron the transferor any rent in respect of that falling due after the date o transfer.

The difficulty is that if the House objects to a short-notice amend ment at this stage, it is very difficult for me to admit any such amend ment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult for Government to agree to an amendment being admitted at this stage without examining it. I have examined the short-notic amendment that I have moved very carefully and I gave notice of them

yesterday in order to give sufficient time to members to go through them, whereas to-day at the eleventh hour Maulvi Tamizuddin Khan springs a surprise upon us, with a short-notice amendment.

Mr. SPEAKER: So far as surprise is concerned, I think you and Maulvi Tamizuddin Khan stand on the same footing! (Laughter.)

Maulvi TAMIZUDDIN KHAN: So far as my amendment is concerned, Sir, it is exactly on the same lines as the Government amendment. The only difference is that the landlords shall not thereafter be entitled to recover rent that falls due after the date of transfer. That is the only addition in my amendment, Sir, and there are no complications, but whether it will be acceptable to Government or not is quite a different matter. But that is the only difference.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Will you please read it out?

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I rise on a point of order? You have been pleased to rule that in view of the insufficient time before us and the large number of amendments that have been tabled, no short-notice or subsequent amendments would be permitted. In view of the obvious discrepancy arising out of the short-notice amendment, may I submit that you stand your previous ruling and do not allow any short-notice amendment, either from the Hon'ble the Revenue Minister or any other member at this stage?

Mr. C. MILLAR: On a point of order. Sir, Is it not the right of every member of this House to have a full opportunity of considering this very complex matter by thinking over every amendment that comes up before the House?

Mr. SPEAKER: That is so, and that is why I want to know the view of this House on this matter. I feel that in an important Bill like this if the House accepts or feels inclined to accept any short-notice amendment, I personally should not stand in the way. But in view of the obvious objections that have been raised by the various sections of the House it is very difficult for me to accept short-notice amendments. As regards the short-notice amendments of Government, I think they stand on a different footing. They have sometimes to put in short-notice amendments out of deference to the numerous non-official amendments which are tabled, with a view to facilitate the work of the House, and, as such, I feel that it will be in consonance with the principle that I have enunciated that Government's short-notice amendments may be considered to be on a different footing, though I am not prepared to give any assurance that I shall accept them. I am very

reluctant in all cases to admit such amendments, and would insist that sufficient notice should be given to the members of the House in every case. So, I am afraid, Maulvi Tamizuddin Khan, I cannot accept your amendment.

Maulvi TAMIZUDDIN KHAN: All right, Sir. Will you kindly give me time to finish my speech? In fact, I referred to my short-notice amendment while I was in the middle of my speech. The amendment of the Hon'ble Sir Bijoy Prasad Singh Roy, as it stands, is not acceptable. I have already indicated my reasons why the landlords should never be expressly given the right to refuse to recognize the transferee on the ground that the transferor had no saleable interests. That will give rise to all kinds of complications. That will take away from the transferee of occupancy holdings the rights sought to be given by the principal clauses of this Bill. What the landlord will do is this: He will refuse to recognize the transferee on that ground, and the poor transferee in most cases will not be able to go to court to establish his rights and have his name mutated or recognized by the landlord, and, therefore, what the transferee will do will be to offer the landlord a substantial landlord's fee. It will come to this that while on the one hand you abolish the landlord's fee by this amending Bill, in another way you will be allowing these landlords to exact a substantial amount of landlord's fee almost in every case. Therefore, Sir, I beg to submit that the form in which the amendment is couched is not at all supportable by members who represent the tenants here.

I have already stated that another provision is necessary, and without that we cannot accept the amendment. It must be expressly provided that the landlords shall not recover any rent from the transferor, I mean rent that falls due after the date of transfer. That is only just and reasonable. Is there anyone here, Sir, who can demur to a proposition like that? I don't think there is. If rent can be realized from the transferor, even after the date of the transfer, then this amending measure will be a futility and nothing more.

Mr. SURENDRA NATH BISWAS: May I rise on a point of order, Sir, for a minute? If this amendment, No. 351A, which has been moved by the Hon'ble the Revenue Minister be allowed, as I understand it has been allowed, then, I submit, Sir, in all fairness you should allow Maulvi Tamizuddin Khan to move his short-notice amendment also. We understand that Maulvi Tamizuddin Khan does not object to this amendment as a whole. He also realizes the importance of this amendment, and when you have already allowed the Hon'ble Minister to move his amendment, I submit, Sir, that in all fairness Maulvi Tamizuddin Khan should be allowed to move his.

Mr. SPEAKER: I am sorry, Mr. Biswas, but that matter has been closed. There was objection from the Congress group, and I am not yet willing to visualize that the Congress group is so divided in opinion on this matter that one member will oppose a particular matter, while another will be in its favour.

Mr. JOGESH CHANDRA GUPTA: May I submit, Sir, that that is certainly not the case?

Mr. SPEAKER: I consulted the wishes of the members of all the groups in this House, and I found that the European and the Congress groups were opposed to Maulvi Tamizuddin Khan's amendment being admitted. Dr. Nalinaksha Sanyal rose from the Congress group and opposed the admission of the amendment. I take it, therefore, that there is substantial contradiction in the views held by different members of the Congress group.

Dr. NALINAKSHA SANYAL: I think, Sir, I may be allowed to make a submission, as I shall be able to explain my attitude better than others.

Mr. SPEAKER: Dr. Sanyal, your attitude is not under consideration. All that I can say is that it is entirely within the discretion of the Speaker to accept or not to accept a short-notice amendment. As I have already explained, Government's short-notice amendments stand on a different footing, because as a matter of fact they have to try to accommodate the wishes and desires of a large number of members who have given notice of amendments. Notice of Sir Bijoy's amendment was given to me in time. I could not accept Maulvi Tamizuddin Khan's amendment at this stage, but if he had given notice of his amendment a little earlier, I would have been quite prepared to consider it, if I found that the acceptance of that short-notice amendment would really be in the interest of the motion or amendment itself. The difficulty at this stage was that when he put it before the House I found a good many members opposed to it, and no one in favour of it, and as such I had to rule it out.

Dr. NALINAKSHA SANYAL: May I explain my position, Sir? I opposed the short-notice amendment of Sir Bijoy also——

Mr. SPEAKER: This question does not arise now.

Dr. NALINAKSHA SANYAL: I said that the difficulty arises if you allow the Hon'ble Minister in charge of Revenue Department to move his short-notice amendment. If you allow him to do so, it is only fair that you should also allow Maulvi Tamizuddin Khan to move his amendment.

Mr. SPEAKER: You know, Dr. Sanyal, that that matter is closed and that I have ruled the motion out of order.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, if there be any difficulty or doubt with regard to the attitude of the Congress party towards the amendment of Sir Bijoy Prasad Singh Roy, I may be permitted to say what I have got to say in this matter. So far as the Hon'ble Minister's amendment is concerned, it is clearly an attempt to take away with one hand what has been given with the other. So far as the amending Bill is concerned, it certainly purports to confer the right upon the tenant of transferring his holding without the necessity of paying any landlord's fee, but this amendment expressly states that the landlord must recognize this transfer except on the ground that the transferer had no transferable interests in the holding or portion or share thereof transferred.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Even that you describe as taking away with one hand what is given by the other?

Mr. SANTOSH KUMAR BASU: Therefore, this amendment entitles the landlord to sit in judgment on the nature of the transfer, on the acceptability of the transfer from the point of view of the question of the title of the tenant, and the civil court's function is going to be arrogated by the landlord himself before he gives his recognition to the transfer. For the time being he sets himself up as a court of justice adjudicating upon the claims and rights and titles of the tenant, and the landlord places the tenant in this position that he would not recognize his interest or right to transfer unless the tenant came to terms with him. That is the point, so far as I understand it, which Maulvi Tamizuddin Khan has made in support of his amendment which he has not been allowed to move. Whether you accept the principle of the amending Bill or not is a different matter. But if you once accept the principle of the amending Bill, then you are conferring the right to transfer upon the tenant without the impediment of the payment of the landlords' fee. You do not in effect confer this right upon him if you again allow the landlord to decide whether the tenant has the right to make the transfer or not. I submit this amendment, if passed into law, will be the delight of lawyers. From that point of view, from the narrower point of view I might have thought that no objection should be raised to the passing of this amendment, but as a consistent legislator I do not think that this House will be well advised in accepting the principle of the amending Bill and at the same time accepting the amendment which Sir Bijoy has put forward. Government are surely, though gradually, entangling themselves in the meshes of their own inconsistencies and this is the best example of that.

Mr. DEBI PROSAD KHAITAN: I have been listening with great attention to the debates over the short-notice amendment that has been moved by the Revenue Minister. I do not see what valid objection can be raised to the use of the last portion of the first paragraph of the amendment. It is well known that there are some tenants who have got transferable interest and there are other tenants who have not got transferable interest. As I understand the amendment of Sir Bijoy Prasad Singh Roy, it simply means that if a transferer has transferable interest then the landlord will not be at liberty to refuse to recognise the transfer, but if the transferer has not a transferable interest in the holding, the landlord cannot be compelled to recognise that transfer. If the words beginning from "except" be cut down from the amendment, the result would be whether a tenant has a transferable interest or not the landlord will be compelled to recognise any transfer that has been made. The interpretation that my friend Mr. Tamizuddin Khan has put upon it does not arise at all. He says whether the transferer has the right to transfer or not the landlord can in a perverse manner come forward and say that he has not a transferable right. But if the landlord says that a transferer and a transferee have got the right to bring a suit aaginst the landlord and get the transfer recognised, I cannot imagine how landlords can in a perverse manner and without justification say that the tenant has no transferable right and he will not recognise the transferee. I hope my friends of the Congress party should give more thought to the point of view that has been put forward by Mr. Tamizuddin Khan and not simply put forward an objection to the Government amendment simply because it has come from the Government Minister.

Another thing that has been put forward by Mr. Tamizuddin Khan I consider to be absolutely unnecessary. He says that from the date of the transfer the landlord cannot sue a transferer for the arrears of rent. If a tenant has a transferable right and if he transfers it the previous part of the amendment that has been moved by Sir Bijoy Prasad Singh Roy makes it absolutely clear that the landlord is to recognise the transfer and if he has recognised the transfer certainly it follows under the law that the landlord cannot sue the transferer or demand fram the transferer all the arrears of rent that accrued before the date of transfer. If a non-transferable right has been transferred certainly the landlord has the right to refuse to recognise the transfer and demand from him the arrear rent that is due.

Mr. NISITHA NATH KUNDU: Mr. Speaker, Sir, on a point of order. There is a difficulty which Mr. Tamizuddin Khan feels. The real benefit which is intended to be given by the amendment will not be received by the tenant in full, if there is difficulty in accepting the amendment moved by Mr. Tamizuddin Khan. I want to draw attention of the House to section 73 which runs thus—

"When an occupancy raiyat transfers his holding, in whole or in part, the transferer and the transferee shall be jointly and severally liable for arrears of rent due before the transfer."

The liability of the transferer and transferee is joint. So, if we allow the amendment, it will go against the provision of section 73. It is a new thing which has not been brought in by the Government amendment Bill and it will amount to legislating an Act and cannot be treated as an amendment.

Mr. SPEAKER: There is just one point on which Mr. Curtis Millar raised this objection and in view of the fact that this is a short-notice amendment of which the members got notice only yesterday, would he object if an amendment to a short-notice amendment is moved? I find that difficulty always arises when short-notice amendments are moved and I do realise that this short-notice amendment (it does not matter whether notice was given 24 hours earlier or just on the floor of the House) means a terrible strain on all in finding out its bearings on the different sections. When this amendment was moved there was no objection, and I took it that the House had no objection to consider it. If there were objections, I would not have accepted the amendment. The amendment of Mr. Tamizuddin Khan is a substantive amendment; it wants to delete two lines of Sir Bijoy Prasad Singh Roy's amendment and substitute other two lines. Would there be any objection to that?

Mr. C. MILLAR: I submit this is merely an example of the difficulty in which the House is finding itself over the extremely complex details of this Bill which brings into question many interrelated provisions of the Bengal Tenancy Act. I do not think it is within human capacity to deal with this matter in the short time which has been given. We will, I am afraid, land ourselves into extreme muddle and if we go too far beyond the provisions in the Statute Book, we will make it entirely unworkable and may land us in endless troubles. For these reasons we are obliged to maintain our objection.

Mr. SPEAKER: Do you find any legal difficulty in accepting the amendment of Mr. Tamizuddin Khan?

Mr. C. MILLAR: Personally I feel that it is really difficult to give any opinion now on the amendment of Mr. Tamizuddin Khan which intends to further amend the amendment of the Revenue Minister.

Mr. SPEAKER: I entirely agree with Mr. Millar. So far as the implications are concerned, it is very difficult to understand them.

For example, Mr. Tamizuddin Khan's amendment says that the landlord shall not be able to recover arrear of rent. I cannot understand the meaning of it because what would be the result if a landlord refuses to recognise the man in whose favour the transfer is made. The landlord can only bring a rent suit, but he would not be entitled to recover arrear rent in respect of the holding. It is practically meaningless for the reason that if a landlord brings a rent suit against a tenant, he ipso facto recognises him. I do not understand the implication. As soon as a landlord brings in a rent suit against him he recognises him as a tenant. My difficulty is this: your contention is that the landlord will not recognise a man in whose favour a transfer is made. That being correct, do you contend that any landlord under the law, as it stands, will bring a rent suit against him?

A member: It will be open to the landlord to bring a rent suit against the transferee but not against the transferer.

Mr. C. MILLAR: Surely it is very clear to every member of this House that the effect of this amendment is not understood and we must have further discussion.

The Hon'ble Maulvi SYED NAUSHER ALI: It is about 7-45 now. I suggest that if my friend insists on moving his short notice amendment, he may be permitted to do that as there will be two intervening days before the discussion on the Bengal Tenancy Amendment Bill begins again.

Mr. SPEAKER: I cannot allow him to spring a surprise on the House at the last moment. The proper thing for him would be to give notice of his amendment either to-day or to-morrow and in case I accept it, I will circulate it to all the members. I cannot allow it at this stage.

Maulvi TAMIZUDDIN KHAN: I shall be thankful if you permit me to send in notice of the amendment to-morrow.

Mr. SPEAKER: I am very anxious that there should not be further delay. All I want is that you discuss the matter with Sir Bijoy Prasad Singh Roy.

Mr. SANTOSH KUMAR BASU: Can the whole House go into committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Santosh Kumar Basu has completely misinterpreted and misrepresented my amendment. So I submit I should be given a chance to explain what

the amendment is. The amendment does not introduce any new principle. The principle is already there and the amendment only makes the provision comprehensive. What was the position of the landlord and the tenant under section 26 as it stood in the Act, 1928? On receipt of a notice of transfer and the landlord's transfer-fee the landlord notes the name of the person from whom he receives them and substitutes his name in place of the transferer. That is the position. Now the transfer-fee being abolished the landlord is not directly a party; he does not come into the picture at all and he cannot be expected to substitute the name of the transferee in place of the transferer. It is necessary to make the position clear and that is what is sought to be done in this amendment. When the landlord receives a notice, it will be his duty to substitute A for B so that B may be jointly and severally liable for the rent with the co-sharer tenant. It is not a fact that Government are proposing to take away with one hand what they are giving by another. They are allowing the landlord——

Mr. SANTOSH KUMAR BASU: What about the last part?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I will ask my friend to go through the Bengal Tenancy Act more carefully. I will ask him to read section 26I (*4*).

Let him read section 26I (*4*) and then ask. It is nothing new that has been introduced here. Sir, that proviso simply incorporates section 26I (*4*).

A member: That again brings in complications. Will you kindly read?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have read all my life. I will ask the hon'ble member to read and to understand its implications more carefully.

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. Will the Hon'ble Minister be less excited?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult to control oneself in view of the fact that my friends opposite tried to misrepresent and misinterpret deliberately.

Mr. SANTOSH KUMAR BASU: My friend is exceeding his limits.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I know my limitations, I know my point.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister afraid of criticising Mr. Tamizuddin Khan's amendment and for that reason just abusing this side for the inconvenient amendment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Tamizuddin Khan's amendment may be an honest suggestion on his part and certainly it is not a deliberate attempt to misrepresent Government amendment.

So, Sir, there is no new provision. The underlying principle is already there and it is only to make it clear and to make this section self-contained and comprehensive that Government have moved this amendment. No new provision is being suggested here. As regards rent, I would request my hon'ble friend Mr. Tamizuddin to bear in mind——

Mr. SPEAKER: There is one point which strikes me. Before Mr. Tamizuddin Khan decides on his line of action I will draw his attention to what Mr. Nishitha Nath Kundu has said. Section 73 puts a definite statutory liability in favour of the transferer and transferee. Mr. Tamizuddin Khan's amendment says that the transferer shall not be responsible. Can he nullify a statutory provision by an amending provision? These are the difficulties.

Maulvi TAMIZUDDIN KHAN: I think there is still another misunderstanding there. If you read section 73, Sir, you will find when an occupancy raiyat transfers his holding in whole or in part the transferer and the transferee shall be jointly and severally liable to the landlord for arrears of rent due before the transfer. So far as my amendment is concerned, it says nothing about rent due before the transfer; all that I say is that the rent is due after the transfer.

Mr. SPEAKER: Because I will not have any time to discuss it to-morrow that is why I want to make it clear before I consider whether it will be accepted or not. Suppose this section is there and let us suppose that the transferer has no right to transfer, will that give a right to the landlord to refuse the transfer?

Maulvi TAMIZUDDIN KHAN: That is a matter of interpretation. I am of opinion that in that case certainly the landlord will be entitled to refuse mutation.

Mr. SPEAKER: Then Hon'ble Sir Bijoy Prasad Singh Roy's amendment is nothing more than that.

Maulvi TAMIZUDDIN KHAN: That amendment is inviting the landlord to refuse.

Mr. SPEAKER: I think you better discuss this with me to-morrow. To-morrow we will take up non-official Bills.

Mr. DEBI PROSAD KHAITAN: Sir, before we disperse I have got to draw your attention to one thing. Several amending Bills have been circulated but at least I have not received a copy of several of the Bills.

Mr. SPEAKER: You draw my attention at the proper time to-morrow.

Mr. SPEAKER: The only other point to which I want to draw your attention is this. I understand that as regards the Committee of Privileges, there has been an unanimous agreement among all sections of the House. So there will be no election. I take it that 11 persons have been unanimously accepted by all the parties. I will announce it to-morrow at the proper time. There is no necessity for members to go in for ballot.

Adjournment.

The House was adjourned till 4-45 p.m. on Wednesday, the 15th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 15th September, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 214 members.

STARRED QUESTIONS

(to which oral answers were given)

Health Officers and Sanitary Inspectors.

*158. **Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Health Officers and Sanitary Inspectors serving under the District Boards are partly or solely paid by the Government?

(*b*) If the answer to clause (*a*) is in the affirmative, are they guided under Government rules?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) Government make a contribution equivalent to half the pay of the District Health Officers on the condition that the model rules framed by Government prescribing the duties of District Health Officers are adopted by the District Boards.

The entire cost on account of Sanitary Inspectors in charge of Rural Health Circles is also borne by Government subject to a maximum of Rs. 2,000 per Health Unit.

(*b*) Government have framed model rules prescribing the duties of District Health Officers, and have issued executive instructions for the guidance of District Health Officers.

The duties of Sanitary Inspectors have also been prescribed by Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the District Health Officers are debarred from carrying on experiments on anti-malarial and anti-cholera research work?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware of any such restriction.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state if the scales of pay of the Sanitary Inspectors are uniform in all District Boards?

The Hon'ble Maulvi SYED NAUSHER ALI: A circular was issued by Government giving the scale of pay of Sanitary Inspectors. I am not sure if all the District Boards follow the same scale.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the District Health Officer of Murshidabad who was carrying on anti-malarial research work was warned by his department that he could not do so without Government sanction?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware of that.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether the Health Officers are controlled by the rules framed by the District Boards?

The Hon'ble Maulvi SYED NAUSHER ALI: I have already replied that model rules are adopted by the District Boards.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state if Government will be pleased to enquire whether that circular is obeyed uniformly by all District Boards?

The Hon'ble Maulvi SYED NAUSHER ALI: As far as my information goes, an exception has been brought to the notice of Government only in the case of the District Board of Dacca

Mr. SASANKA SHEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether these rules or any of them debar the Sanitary Inspectors from taking part in the election propaganda on behalf of the Chairman or Vice-Chairman?

The Hon'ble Maulvi SYED NAUSHER ALI: The policy of the Government has already been announced in this House in reply to another question.

Mr. SASANKA SHEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether there is an universal complaint that the Sanitary Inspectors take part in the election propaganda on behalf of the Chairmen?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware of any universal complaint like that.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware that the Chairman of the District Board of Khulna observes these model rules more in the breach than in their observance?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware of this.

Khan Sahib HAMIUDDIN AHMAD: Will the Hon'ble Minister be pleased to state if the rules prescribed by the Government are being observed by the Sanitary Inspectors?

The Hon'ble Maulvi SYED NAUSHER ALI: Government have no reason to believe that the rules are not observed.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state if the Government make contribution towards the pay of the Health Officers when they go on leave?

The Hon'ble Maulvi SYED NAUSHER ALI: As far as my information goes Government have not agreed to bear expenses on account of Health Officers when one Health Officer goes on leave and another is appointed in his place.

Prisoner Madar Khan.

***159. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether he is aware of the whereabouts and the state of health of Mr. Madar Khan, President of the Dock Mazdoor Union, who was convicted under sections 114 and 147, Indian Penal Code, on or about the 10th May, 1937?

(*b*) Is it a fact that Madar Khan was assaulted by a *burra-jamadar* of the Jail on the 13th May, 1937, on his refusal to have his hair cut and to wear convict dress?

(*c*) Does the Hon'ble Minister propose to take disciplinary action against the *burra-jamadar*? If so, what would be the nature of the proposed disciplinary action?

(*d*) Is it a fact that Mr. Madar Khan has been employed in the jail to work on oil-machine (*ghani*)? If so, will the Hon'ble Minister direct that he should not be so employed henceforth?

(*e*) Will the Hon'ble Minister be pleased to state whether Mr. Madar Khan has been receiving the treatment of a Division II prisoner. If not, will the Hon'ble Minister be pleased to direct that Madar Khan be given the treatment of Division II prisoner?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The prisoner is in Alipore Central Jail; his health is good.

(*b*) I am informed that he was not assaulted.

(*c*) Does not arise.

(*d*) He was employed in the oil-mill for a month; he is now working in the press.

(*e*) The prisoner was classified in Division III by the trying court. I have no reason to believe that this classification was wrong.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state from whom he got the information mentioned in (*b*) of his reply, and whether the prisoner himself was asked about it?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the Superintendent of the Jail.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he has made any enquiries as to the incident which took place on the 13th May inside the Alipore Central Jail, with reference to question (*b*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not to the particular incident.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state with reference to (*d*) of his reply whether he was employed in the oil mill by way of punishment or whether it was simply because he was a division III prisoner?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it was by way of punishment.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer to (*e*), will the Hon'ble Minister be pleased to state whether it is the business of the trying Magistrate to classify prisoners or it is the business of the Government to classify them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Ordinarily the trying Magistrate recommends what division it should be.

Detenus Jyotirmoy Nandy and Sree Narayan Jha.

*160. **Mr. SYED AHMED KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) the whereabouts of detenus Messrs. Jyotirmoy Nandy and Sree Narayan Jha who were convicted for sedition in 1935; and

(*ii*) their state of health?

(*b*) Will the Hon'ble Minister be pleased to state whether they are receiving the treatment of Division II prisoners?

(*c*) Will the Hon'ble Minister be pleased to state as to when Messrs. Jyotirmoy Nandy and Sree Narayan Jha are due to be released? And will they be allowed the usual remission of sentence? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The first named prisoner is in Dacca Central Jail and the other prisoner in Midnapore Central Jail.

(*ii*) Good.

(*b*) No; they have been placed in Division III.

(*c*) The dates of their release will depend on what remission they earn by good conduct. The prisoners were punished on the 11th September, 1936, with forfeiture of all remission earned up to that date and removal from the remission system for one year for jail offences.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what is the nature of the offence for which they were so punished?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware that both Mr. Jyotirmoy Nandy and Mr. Sree Narayan Jha are both educated respectable young men and as such will the Hon'ble Minister be pleased to state whether he is prepared to accord to them division II treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government are going to consider the question of classification of prisoners after this session of the Assembly is over, but before that individual cases cannot be considered.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state who placed them in division III?

Mr. SPEAKER: That question has been answered.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware in connection with the question of classification, that even cat-burglars of certain complexion are given division II treatment in jails?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to make enquiries to find out which are the division II offences and the discrimination which is made in this connection?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a request for action.

Prayer hall for the Ahsanullah School of Engineering, Dacca.

***161. Mr. MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is no prayer hall attached to the Ahsanullah School of Engineering at Dacca for the use of Muslim students?

(*b*) Is it a fact that no general adjournment is made to give the Muslim students an opportunity to say their *Zohar* prayers and that Muslim students alone are permitted to absent themselves for 15 minutes only to say their *Zohar* prayers and for half an hour only to say their *Jumma* prayers while the classes go on?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government intends to take any steps in the matter so as to remove the grievances of the Muslim students?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*b*) Yes.

(*c*) Steps are being taken to remove the grievances.

Mauvli ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state the approximate date when he will be able to redress the grievances of the Muslim students?

The Hon'ble Mr. A. K. FAZLUL HUQ: We have written to the school authorities and as soon as we get a reply we will be able to pass orders.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he will expedite the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: Oh yes.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether this letter that has been written to the school authorities also relates to the schools which get aid?

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Can this question arise out of this question?

Maulvi ABDUL BARI: I ask this question with reference to answer (*c*). It is a matter of general importance.

Mr. SPEAKER: The whole question refers to the Ahsanullah School of Engineering. So this question does not arise.

Administration Report of the Faridpur district by Mr. K. K. Hazra, I.C.S.

*162. **Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Mr. K. K. Hazra, I.C.S., who was the District Magistrate of Faridpur for some time in 1936, submitted a report to the Government in the matter of the administration of the district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister consider it desirable to place the said report on the table?

The Hon'ble Khwaja Sir NAZIMUDDIN: Correspondence between Government and its officers cannot be made public.

Babu NAGENDRA NATH SEN: Has the Hon'ble Minister any reason to say that the Administration Report is a confidential matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Administration Reports are published by Government.

Mr. SURENDRA NATH BISWAS: May I take it that the answer of the Hon'ble Minister to question (*a*) is yes?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Mr. SURENDRA NATH BISWAS: Sir, my point is that I did not get any answer to my question (*a*). The Hon'ble Minister should have said either "yes" or "no". He only said that correspondence between Government and its officers cannot be made public.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not in the public interest to make it public.

Posts of Revenue Sheristadars and Superintendents of the Collectorates, Bengal.

*163. **Maulvi AZHAR ALI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the total number of posts of Revenue Sheristadars and Superintendents of the Collectorates in Bengal; and

(*ii*) the number of them that are Mussalmans?

(*b*) Is it a fact that the post of the Revenue Sheristadar of Bogra was filled up by a candidate selected by the Board of Revenue from outside the Division as suitable candidate was not available in the Rajshahi Division?

(*c*) Is it a fact that the vacancies of Revenue Sheristadar of Jalpaiguri and Malda were, subsequent to the appointment of Bogra, filled up by candidates of the same Division?

(*d*) If the answers to clauses (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state why the District Magistrate of Bogra was deprived of the power vested in him by the Board's Miscellaneous Rules for appointing Revenue Sheristadars?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): The member is referred to the answer given to an unstarred question on this subject put by Mr. A. M. Abdul Hamid at this meeting.

Maulvi AZHAR ALI: Will the Hon'ble Minister be pleased to state if the District Officer is the proper authority to make these appointments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Generally the appointments are made by the District Officers but subject to the control of the Commissioner and the Board of Revenue, if necessary.

Absorption of the unemployed settlement employees in other departments.

***163A. Maulana SHAMSUL HUDA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what steps he propose to take in order to absorb in the various departments of the Government the settlement employees who would be thrown out of employment as a result of abandonment of the Revisional Settlement Scheme?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question is under consideration of Government. In the meantime orders have issued directing the absorption of as many of them as possible in vacancies in Court of Wards.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if he proposes to maintain a register of names of those persons who will not be absorbed in any vacancies at present?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This is a hypothetical question.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is the policy of the Government not to give further appointments to settlement employees who have completed 25 years' service?

Mr. SPEAKER: That question does not arise. This question relates to the absorption of the unemployed settlement employees in other departments. Government says that the matter is under consideration. You raise a question of policy. It does not arise here.

Mr. SHAH ABDUR RAUF: Will the Hon'ble Minister be pleased to state how many persons have been thrown out of employment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is difficult to say off hand, but quite a large number.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state whether he is prepared to ask the other departments of Government to absorb them in suitable vacancies?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Their names will be sent to the heads of department for consideration in filling up vacancies under them.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Posts of Revenue Sheristadars and Superintendents of the Collectorates, Bengal.

176. Mr. A. M. ABDUL HAMID: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the number of posts of Revenue Sheristadars and Superintendents of the Collectorates in the province; and

(*ii*) the number of them that are Mussalmans?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that the post of Revenue Sheristadar of Bogra was filled up by the Board of Revenue, Bengal, from outside the Division instead of being filled up by the District Officer?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether suitable candidate was available in the Rajshahi Division?

(*d*) Will the Hon'ble Minister be pleased to state how the posts of Revenue Sheristadars of Jalpaiguri and Malda were filled up by candidates of the same Division after the appointment at Bogra?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*)(*i*) 27 and (*ii*) 2.

(*b*) Yes; this was done on the request of the Commissioner of the Division.

(*c*) No.

(*d*) Both these posts were filled up "before" and not "after" the post of Sheristadar for Bogra was filled up.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state who was the final authority in making the appointments referred to in question (*b*)?

Mr. SPEAKER: That question has been answered just now.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether Government are contemplating to raise the number of Muslims in the posts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: These posts are filled up according to efficiency and if suitable Muhammadans are available certainly Government will not hesitate to appoint them.

Khan Bahadur A. M. L. RAHMAN: Will the Hon'ble Minister be pleased to state how many candidates were there for the posts of Revenue Sheristadar of Bogra?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state that whenever the question of filling of an appointment arises the Mussalmans are considered to be inefficient?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think Government made any such statement that the Muhammadans are inefficient or efficient. These posts are filled up by promotion according to merit.

Maulvi MUHAMMAD ISRAIL: In reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state whether any fixed percentage is reserved for Muhammadans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. There is no fixed percentage for filling up the posts of sheristadars.

Standard weight for Agricultural products.

177. Maulvi JONAB ALI MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether he is aware—

(*i*) that the average standard of weight prevailing in Bengal in buying and selling agricultural products is 80 tolas a seer; and

(*ii*) that in mufassal jute companies an attempt is persistently being made to introduce a system of 90 tolas a seer at the time of buying jute from jute-growers in spite of the fact that the jute mills buy jute 80 tolas a seer?

(*b*) Are the Government considering the desirability of preventing this attempt of exploiting the jute-growers in matter of the system of weight of jute?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*)(*i*) No such standard has been prescribed by law in this province except in urban areas where municipal authorities have been empowered to frame by-laws adopting this standard.

(*ii*) Government have no information.

(*b*) I may remind the hon'ble member that the establishment of standards of weights is a matter for Federal legislation.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what steps have been taken to secure the information referred to in (*a*) (*ii*)?

The Hon'ble Maulvi SYED NAUSHER ALI: No steps have been taken at least by my department.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of securing this information?

The Hon'ble Maulvi SYED NAUSHER ALI: I do consider it desirable.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether he is prepared to make an enquiry into the allegations referred to in question (*a*) (*iv*)?

Mr. SPEAKER: It has already been answered.

Detenu Babu Satya Ranjan Chattopadhaya.

178. Mr. MANORANJAN BANNERJEE: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) when was Babu Satya Ranjan Chattopadhaya, son of Babu Sris Chandra Chattopadhaya, arrested under the Bengal Criminal Law Amendment Act;

(*ii*) what was his age then;

(*iii*) what is his present age;

(*iv*) was any warning given to his father before his arrest;

(*v*) was his father told anything about the allegations against him;

(*vi*) what was the detenu doing at the time of his arrest; and

(*vii*) what is his educational qualification now?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) October, 1932.

(*ii*) 18 years.

(*iii*) 23 years.

(*iv*) and (*v*) I have no information whether the local officers gave any warning to his father. There was nothing to prevent the detenu from communicating to his father the purport of the statement of allegations made against him.

(*vi*) He was a student.

(*vii*) He has passed the B.A. examination and I understand that he is preparing for the M.A. examination.

Expenditure incurred for the tour of the Hon'ble Minister and jute restriction for the last three years.

179. Maulvi ABDUL WAHED: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) the expenditure incurred for the tour of the Hon'ble Minister for the last three years commencing from 1934, year by year; and

(*ii*) the expenditure incurred for jute restriction for the last three years, year by year?

(*b*) Will the Hon'ble Minister be pleased to state the cost incurred by the Ministers in their tours for jute restriction for the last three years, year by year?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) (*i*) The expenditure in question was as follows:—

		Rs.
1934-35	...	13,963
1935-36	...	12,589
1936-37	...	12,161

(*ii*) The approximate expenditure for jute restriction in 1934-35 and 1935-36 was Rs. 39,426 and Rs. 43,885, respectively. As the final accounts for 1936-37 are not yet made up, the figures for 1936-37 cannot be given.

(*b*) There is no available information on this point.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, in view of the very high percentage of expenditure incurred on tour by the Hon'ble Ministers, namely, nearly 33 per cent. in 1934-35, and more than 30 per cent. in 1935-36 on this account out of the total expenditure, the exact nature of the propaganda the Ministers undertook during the tour?

The Hon'ble Mr. NALINI RANJAN SARKER: As the Ministers who undertook the tour are not in office, it is difficult to state the exact nature of the propaganda.

Mr. SHAH ABDUR RAUF: Do the Government contemplate to take up jute restriction this year also?

Mr. SPEAKER: That does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state the names of the various Ministers who made the tour?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Mr. SANTOSH KUMAR BASU: In reply to Dr. Sanyal's question, the Hon'ble Minister for Finance disowned any knowledge of what the previous Ministers did. Are we to understand that they are ignorant of what happened before them?

The Hon'ble Mr. NALINI RANJAN SARKER: I have never pleaded ignorance.

Detenu Birendra Nath Das Gupta.

180. Mr. J. N. GUPTA: (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware that detenu Birendra Nath Das Gupta of Deoli Jail is suffering from asthma and other complaints?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the arrangement that has been made by the jail authorities for his treatment?

(*c*) Is it a fact that detenu Birendra Nath Das Gupta prayed for "home internment" to get facilities for preparing for M.A. examination as the climate of Deoli Jail is not suitable to him?

(*d*) Will the Hon'ble Minister be pleased to state if the Government are considering the desirability of granting detenu Birendra Nath Das Gupta freedom to prosecute further study?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) The detenu is now under treatment in the Presidency Jail and has had no serious attack of asthma since his arrival there.

(*c*) No such application has been received by Government.

(*d*) This detenu will get the usual facilities which detenus receive for studying for the M.A. examination.

Persons arrested and detained under the Criminal Law Amendment Act in 1930 and 1931.

181. Mr. SATYA PRIYA BANERJI: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to lay on the table a statement showing—

(*i*) the number and the names of the persons of Bengal arrested and detained under the Criminal Law Amendment Act in 1930 and 1931;

(*ii*) the number of them who have not yet been released with the place of their detention;

(*iii*) the number and the names of the persons arrested and detained without trial under Bengal Regulation III of 1818 since 1930 with the places where they have been kept under detention;

(*iv*) the number and the names of the persons detained without trial during the period from 1931 to the 31st March, 1937, and thereafter since the 1st of April, 1937;

(*v*) the number and the names of the persons detained under the Bengal Criminal Law Amendment Act and under Bengal Reguation III of 1818, respectively, released conditionally during the period from 1930 up to the 31st March, 1937, and thereafter since the 1st of April, 1937; and

(*vi*) the number and the names of the persons detained under the Bengal Criminal Law Amendment Act and under the Bengal Regulation III of 1818, respectively, released unconditionally during the period from 1930 up to the 31st of March, 1937, and in 1937 since the 1st of April?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret that material for the preparation of such a statement cannot be collected without an expenditure of time and labour which Government are unable to undertake.

Number of persons in different cadres of the Police Services.

182. Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for each year from 1935 to date the number of persons in different cadres of the Police Services in the province employed in the—

(*a*) Intelligence Branch;

(*b*) Special Branch; and

(*c*) Criminal Investigation Department sections holding (*i*) temporary and (*ii*) permanent posts?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the answer to unstarred question No. 182.

Rank.	On 1st January, 1935.		On 1st January, 1936.		On 1st January, 1937.		Up to-date figures.	
	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.
Intelligence Branch.								
1. Special Superintendents of Police ..	1	3	1	3	1	3	1	3
2. Additional Superintendents of Police ..	..	3	..	3	..	3	..	3
3. Special Assistant (Assistant Superintendent of Police).	1	..	1	..	1	..	1	..
4. Deputy Superintendents of Police ..	1	10	1	10	1	10	6	5
5. Inspectors	..	65	..	65	..	65	48	15
6. Sergeant	..	1	..	1	..	1	..	1
7. Sub-Inspectors	1	201	1	201	1	201	161	62
8. Assistant Sub-Inspectors	1	339	1	339	1	339	121	40
9. Head Constables	2	134	2	134	2	133	18	21
10. Constables (Watcher)	..	..	..	..	..	..	46	7
11. Constables	30	767	30	778	30	778	474	411
12. Lady Interviewer	..	1	..	1	..	1	..	1
13. Sub-Inspector Clerks	..	..	..	..	..	..	13	6
14. Assistant Sub Inspector Clerks ..	..	..	..	..	..	..	22	..

Special Branch.										
1. Deputy Commissioner	1	1	1	1	1	1	1	1		
2. Assistant Commissioner	1	1	1	1	1	1	1	1		
3. Inspectors	5	5	5	5	5	5	5	5		
4. Sub-Inspectors	11	7	11	6	11	6	11	6		
5. Sergeants	..	4	..	..	..	..	..	..		
6. Assistant Sub-Inspectors	18	22	18	21	18	21	18	15		
7. Head Constables	1	3	1	1	1	1	1	..		
8. Constables	57	63	59	54	59	59	59	55		
9. Havildars	..	2	..	2	..	1	..	1		
10. Sepoys	..	12	..	12	..	6	..	6		
Criminal Investigation Department.										
(*Inclusive of Detective Department, Calcutta Police.*)										
1. Deputy Inspector-General	1	..	1	..	1	..	1	..		
2. Deputy Commissioner	1	..	1	..	1	..	1	..		
3. Assistant to Deputy Inspector-General (Superintendent of Police).	1	..	1	..	1	..	1	..		
4. Assistant Commissioner	1	..	1	..	1	..	1	..		
5. Deputy Superintendents of Police ..	2	..	2	..	2	..	2	..		
6. Inspectors	37	5	37	5	36	4	36	4		

Rank.	On 1st January, 1935.		On 1st January, 1936.		On 1st January, 1937.		Up-to-date figures.	
	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.
Criminal Investigation Department.								
(*Inclusive of Detective Department, Calcutta Police*).								
7. Sub-Inspectors	35	5	35	4	35	8	35	8
8. Sergeant	1	..	1	1	1	..	1	..
9. Assistant Sub-Inspectors	21	..	21	1	20	..	20	..
10. Head Constables	3	..	3	..	5	..	5	..
11. Constables	88	19	89	18	88	19	88	19

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what have been the reasons for suddenly making a large number of officers in the Intelligence Branch permanent after the introduction of the reforms who were for the last three years carrying on as temporary officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am surprised that the hon'ble member after having seen the statement that has been placed before the House stated that they have been made permanent after the inauguration of the new constitution. Every one of those persons was made permanent before the new constitution came into effect.

Dr. NALINAKSHA SANYAL: May I draw the attention of the Hon'ble Minister to item 4—Deputy Superintendents of Police—where it is stated that on 1st January, 1937, there were ten temporary officers and up-to-date figures are that six out of them have been made permanent. When were they made permanent?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is quite a different question altogether to stating that they were made permanent during the new regime.

Dr. NALINAKSHA SANYAL: When were they made permanent?

The Hon'ble Khwaja Sir NAZIMUDDIN: They were made permanent before the 1st April, 1937.

Dr. NALINAKSHA SANYAL: My submission is that in view of the inauguration they were suddenly made permanent. In item 5—Inspectors—there were 65 temporary Inspectors on the 1st January, 1937. I find 48 out of them have been made permanent. As regards Sub-Inspectors there were 201 temporary Sub-Inspectors, out of which 161 have been made permanent all of a sudden. May I know when they were made permanent and why?

The Hon'ble Khwaja Sir NAZIMUDDIN: Before the 1st April, 1937, they were made permanent by the old Government and not by the new. The old Government considered it necessary and advisable to make them permanent and not to keep them on a temporary basis.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state who was the Hon'ble Member or Minister who dealt with this matter between the period 1st of January and 31st of March, 1937?

The Hon'ble Khwaja Sir NAZIMUDDIN: It must have been dealt with by the Member responsible for that department between the 1st of January and 31st of March, 1937.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in view of these officers having been made permanent it has become difficult now to enforce retrenchment?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is a large number of temporary staff still on the list who can be retrenched when the situation improves.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the numerous spies and informers are included in this?

Mr. SPEAKER: That question does not arise.

Professor of Chemistry in Islamia College.

183. Mr. ABDULLA-AL MAHMOOD: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state who has been appointed the Professor of Chemistry in Islamia College after the death of Professor Das Gupta and what is his qualification and what class did he get and what is his position?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) how many candidates were there for the post of Chemistry in the Islamia College; and

(*ii*) how many candidates were sent to the Selection Committee?

(*c*) Is it a fact that the gentleman appointed comes from Nadia and is less qualified than Maulvi Akbar Ali, a 1st class M.Sc. of the Calcutta University?

(*d*) Will the Hon'ble Minister be pleased to state why the claim of Maulvi Akbar Ali, M.Sc., was turned down?

(*e*) Will the Hon'ble Minister be pleased to state when the present incumbent was confirmed to his post in lectureship?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Maulvi M. Ahmad Hossain, M.Sc. in Chemistry, class II (Calcutta) 1928, B.Sc. with 2nd class Honours in Chemistry (Calcutta) 1926.

Research Assistant for 3½ years in the Imperial Institute of Agricultural Research at Pusa (1928-1932). Worked as a Lecturer in Chemistry for 4 years.

His position was 9th and 4th in the B.Sc. (Honours class II) and M.Sc. examinations, respectively.

(*b*)(*i*) Eleven.

(*ii*) Such information is of a confidential character and cannot be supplied.

(*c*) The answer to the first part of the question is in the affirmative and that to the second part is in the negative. Though a second class man, Maulvi M. Ahmad Hossain had considerable experience in teaching while Maulvi Akbar Ali Mullick had none.

(*d*) Maulvi M. Ahmad Hossain was considered more suitable for the appointment in view of his experience in teaching.

(*e*) On 5th May, 1935.

Mr. ABDULLA-AL-MAHMOOD: Will the Hon'ble Minister be pleased to state how many candidates were selected by the Public Service Commission with regard to answer (*b*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would like to have notice, I cannot say off hand.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if there was any Hindu candidate more qualified that the one who has been appointed?

The Hon'ble Mr. A. K. FAZLUL HUQ: Selection was made by the Selection Committee and I cannot say who were the candidates before the Committee?

Mr. NISHITHA NATH KUNDU: Is there any rule putting a ban on the appointment of a Hindu candidate who is qualified?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have every reason to believe that the best candidate was selected.

Mohsin Overseas Scholarship.

184. Mr. ABDULLA-AL MAHMOOD: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that a first class Muhammadan M.Sc. of the Calcutta University who was a research scholar and was highly recommended by Dr. Qudrat-i-Khoda applied for overseas scholarship?

(*b*) Will the Hon'ble Minister be pleased to state what is the result of his application?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) One Mr. Akbar Ali Mallik, M.Sc., applied for the Mohsin Overseas Scholarship for 1937 with a recommendation from Dr. Qudrat-i-Khoda.

(*b*) The scholarship was awarded to another candidate after interview by the Selection Board.

Mr. ABDULLA-AL-MAHMOOD: With regard to answer (*b*), will the Hon'ble Minister be pleased to inform the House the name of the candidate who was awarded the scholarship and what were his qualifications?

The Hon'ble Mr. A. K. FAZLUL HUQ: I ask for notice, I cannot say off hand.

Seats for the scheduled caste students in Guru Training Schools, Mymensingh.

185. Mr. MONMOHAN DAS: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that in the Government and Aided Guru Training Schools in the district of Mymensingh, besides one school for the Hill Tribes, there is accommodation for 94 students only?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister make an arrangement for the increase of seats to meet the greater demands of trained teachers likely to be required under the Free Primary Education Act?

(*c*) Is it a fact that the number of scheduled caste students under training is very small?

(*d*) If the answer to (*c*) is in the affirmative, do not the Government think it desirable to increase the number of seats for the students of the scheduled castes, reserving for them at least 25 per cent. of the seats?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The suggestion will be considered very shortly.

(*c*) I have no information at present.

(*d*) Does not arise.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state, with reference to question (*d*), that the case of the scheduled castes will be considered sympathetically?

The Hon'ble Mr. A. K. FAZLUL HUQ: Most certainly.

Bengal Registration Manual.

186. Khan Bahadur Maulvi FAZLUL QUADIR: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that great inconvenience is felt by the public as copies of the Bengal Registration Manual, 1928, are not available for sale in the Secretariat Book Depot?

(*b*) If the answer to clause (*a*) is in the affirmative, does the Hon'ble Minister consider the desirability of taking steps for reprinting the Manual?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I have been informed that there is a demand for the Manual which is not available now for sale.

(*b*) Steps are being taken to make a thorough revision of the Manual of 1928 before it is reprinted.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state when the revised Registration Manual of 1928 is likely to be reprinted?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not in a position to answer as it is very difficult.

Extra copyists in the office of the Registrar of Assurances, Calcutta.

187. Babu NAGENDRA NATH SEN: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state if he is aware that the extra copyists under the Registrar of Assurances, Calcutta, who have been serving for a period of 15 to 20 years as temporary hands have not yet been made permanent?

(*b*) Is it a fact that outsiders have been selected as permanent copyists instead of those who have been working as temporary copyists for 15 to 20 years continuously?

(*c*) If so, what are the reasons thereof?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of copyists that have been appointed from amongst outsiders, their names, the date of their appointments and their qualification, year by year, from 1925 to 1936; and

(*ii*) the number of extra-copyists with dates of their appointment and qualifications that have been made permanent, year by year, from 1925-36?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes. The extra copyists who are not educationally qualified have not been given permanent appointments.

(*b*) One outsider has been recruited for a permanent post.

(*c*) The Registrar of Assurances examined the extra copyists and found that with one exception who was given a permanent appointment, none of them was fit for a permanent appointment. He, therefore, recruited a graduate from outside.

(*d*) (*i*) Babu Durgadas Banerjee, B.A., an outsider, was appointed as a permanent copyist on the 13th October, 1936.

(*ii*) A statement furnishing the particulars is laid on the Library table.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state, with reference to answer (*a*), if there were no other extra copyists who have passed the Matric and who have passed the I.A.?

The Hon'ble Mr. A. K. FAZLUL HUQ: I must have notice, I cannot answer off hand.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is fair to continue the services of a man for 20 years and then dismiss him?

Mr. SPEAKER: That is a question of opinion.

Schedule of expenditure, 1937-38.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to lay on the table the schedule of expenditure for the year 1937-38 authenticated by the Governor under sub-section (*1*) of section 80 of the Government of India Act, 1935.

Mr. SPEAKER: The Secretary will take steps to keep this in safe custody.

NON-OFFICIAL BILLS.

Mr. C. MILLAR: May I rise on a point of order, Sir, with reference to non-official Bills? I do not in any way wish to obstruct or take up the time of the House, but there is a very serious point in relation to these Bills and a point upon which, I am sure, every member of the House will support what I have to say. There are 187 non-official

Bills in this paper. I myself have been particularly scrupulous to pick up from the table every non-official Bill which was laid there. I have not been absent from the House on any day, and I am satisfied that I have as good a collection of non-official Bills as any other member of this House; and out of 187 Bills I possess only 17. There is only one conclusion which can be drawn from that and that is that the members in charge of these Bills have disobeyed the Rules and Standing Orders of this House and have disobeyed the instructions of the Secretary to circulate these Bills for the information of members, and I would ask you to consider, Sir, whether this House should not lay down once and for all the principle that we should not be asked to vote in any way whatever on any matter which we had not had an opportunity of seeing. I put this for the convenience of the members and for the greater expedition of the House.

Mr. SANTOSH KUMAR BASU: Is it a speech or a point of order?

Mr. C. MILLAR: This is a matter which concerns every member of the House and I ask for your support and ruling that we should not consider in any way anything we have not seen.

Mr. SPEAKER: I think that the point which has been raised by Mr. Millar about non-circulation of copies to members regarding non-official Bills. The usual practice is that so far as the introduction stage is concerned, and that is in the Standing Rules also, it is the convention that the Bill is not opposed. Under the Rules and Standing Orders also copies need not be circulated if the member only intends to introduce the Bill. As such a member will be perfectly in order to introduce the Bill without previous circulation.. But there is a bar to the Bill being taken into consideration or referred to a Select Committee or circulated for the purpose of eliciting public opinion thereon if copies of the Bills are not available to the members at least seven days before the day on which the Bill is taken up. In a matter like this, I would be very reluctant to use the discretion which I have to relax the seven days' rule in favour of members, if copies of the Bill are not available to all members, especially now that there are so many Bills pending. A member who is a little more alert and watchful must get priority over another who is not so; and as such I hold that generally members must get their copies at least seven days before the date a Bill is taken up. But the proper stage at which Mr. Millar or anybody can take objection is when a further motion is made after the introduction of the Bill.

The Bengal Court of Wards (Amendment) Bill, 1937.

Mr. SURENDRA MOHAN MAITRA: Sir, I beg to move for leave to introduce the Bengal Court of Wards (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. SURENDRA MOHAN MAITRA: I beg to move that the said Bill be taken into consideration.

Sir, I do not want to take up the time of the House by delivering a long speech. My Bill has been circulated to all the members of the House and its object has been stated clearly in the Statement of Objects and Reasons. So, at this stage I do not propose to state at length the reasons for introduction of the Bill. The only point which I want to tell the members at the outset is that the inclusion of sections 10A to 10E has been found to be very oppressive. So, with your leave, Sir, I would read the Statement of Objects and Reasons. It runs as follows:—

"The Court of Wards Act, 1879, was amended in the year 1906, when sections 10A to 10E were added after section 10 of the original Act. Section 10C provided that if any process of execution had been issued by a Civil Court——."

Maulvi ABDUL BARI: Sir, may I be permitted to point out that Mr. Maitra is reading out the whole of the Statement of Objects and Reasons, copies of which have been circulated to members? May it not be taken as read?

Mr. SPEAKER: Mr. Maitra can discuss the principles of the Bill in his speech. Will he be able to finish his speech quickly?

Mr. SURENDRA MOHAN MAITRA: In that case, Sir, need I read out the Statement of Objects and Reasons?

Mr. SANTOSH KUMAR BASU: Sir, I understand that under the rules the Statement of Objects and Reasons has to be read out.

Mr. SPEAKER: There is no such rule.

Mr. SURENDRA MOHAN MAITRA: Sir, in that case I do not wish to take up the time of the House by making any further remarks. There is an amendment to be moved by the Hon'ble Revenue Minister to which I shall perhaps agree.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, before moving for reference of this Bill to Select Committee, with your permission, I want to substitute the name of Mr. Debi Prasad Khaitan in place of the name of Mr. Jatindra Nath Basu. Further, as the consent of Mr. Dhirendra Nath Datta was not available, I would like to substitute the name of Mr. Sasanka Sekhar Sanyal in place of the name of Mr. Datta.

Mr. SPEAKER: Has the consent of these gentlemen been received?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

I beg now to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) Rai Bahadur Kshirod Chandra Roy,
(2) Mr. Debi Prasad Khaitan,
(3) Rai Bahadur Jogesh Chandra Sen,
(4) Mr. Dhananjoy Roy,
(5) Babu Upendra Nath Barman,
(6) Mr. Surendra Mohan Maitra,
(7) Mr. Santosh Kumar Basu,
(8) Mr. Sasanka Sekhar Sanyal,
(9) Mr. Manmatha Nath Roy,
(10) Mr. Manoranjan Bannerjee,
(11) Mr. J. B. Ross,
(12) Khan Bahadur Maulvi Fazlul Quadir,
(13) Mr. Abdulla-al Mahmood,
(14) Mr. Shah Abdur Rauf,
(15) Mr. Abdul Karim,
(16) Mr. S. A. Salim,
(17) Mr. Abdul Wahab Khan, and
(18) myself,

with instructions to submit their report as soon as possible and that the number of members to constitute a quorum shall be five.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1937.

Sir, my honourable friend, Mr. Maitra, has got the reputation of being an experienced man of the world. I am sure he would not ask the House to hurry through the Bill as is being done in the case of the Bengal Tenancy Amendment Bill—where something impossible is sought to be done. Fancy, Sir, the whole land system of Bengal is going to be revolutionised in the twinkling of an eye and without consulting the public or those who are affected by it seriously.

I don't know, Sir, if in his election manifesto Mr. Maitra promised anything about this Court of Wards Bill. If so, I won't stand in his way but I am sure it was not so.

I have not gone through the provisions of the Bill carefully and I hope they do not stand on a pedestal of some imaginary grievances as the Bengal Tenancy Act which is about to shake the solid foundation of Bengal and might break the structure only to allow communism and bolshevism to come and grow through the back-door and ultimately bring on chaos and disorder.

I hope Mr. Maitra will allow those who are concerned to have their say and hear their voice and then in proper time accept their reasonable suggestions, if any.

I would, therefore, request Mr. Maitra to accept my amendment.

Kumar SHIB SHEKHARESWAR ROY: Sir, I rise to support the amendment moved by Rai Bahadur Jogesh Chandra Sen. It appears to me that the contagion of the Government procedure of hustling an official measure through the legislature has also spread to the Congress camp. The Government wanted to expedite the passage of the Tenancy Bill in pursuance of its pledge to bring immediate relief to the *raiyats*. I should like to know what has made the Congress so impatient as to do away with the normal procedure of the Bill. Is the Congress pledge bound to the *mahajans* to bring immediate relief to them at the cost of zamindars who are in distress? Of course the zamindars appear in both the pictures and that perhaps makes the Congress conscience clear. The Congress gave innumerable pledges to the people and one of them was according to Mr. Narendra Narayan Chakrabarty of the Congress to bring about revolution in the country by the annihilation of the zamindars. The violent speech that Mr. Chakrabarty delivered the other day on the floor of the House, if made outside it, would have perhaps landed him in the Police Court. Even if the annihilation of the zamindars be the motive behind the Congress impatience, it is queer that its first official move should have been directed to the improvement of the economic condition of the *mahajans*, of all people.

The general trade depression and the Proja movement have placed the zamindars in a pitiable condition. The *mahajans* took the fullest advantage of the condition of the zamindars, advanced them loans on short-term contracts at a prohibitive rate of compound interest and harassed them till in many cases they were forced to execute fresh bonds on a higher rate of interest. The *raiyats* were faced with a similar situation and the burden had become unbearable to both. The Government had to come to the relief of the *raiyats*. The Government could not remain blind to the condition of the zamindars for the fates of the *raiyats* and zamindars are linked together. After a careful consideration of the whole situation, an amendment was made in the Court of Wards Act in 1935 which brought some relief to the encumbered zamindars. It saved them from the harassment of the *mahajans*, though the *mahajans* do not lose a single pie of their dues; on the other hand,

the payment is doubly assured to them under Government management of the zamindars' property. I should like to know what has happened in the meantime for the Congress to take up the cause of the *mahajans* and bring ruin to the zamindars. The Congress may not care to look at the other side of the shield and may consider it a magnificent feat if it can hasten the ruin of the zamindars; but the House has a right to be acquainted with the real state of things, and it is for this reason that the Bill should be circulated for public opinion. Sir, the mover further proposes to debar the proprietor from working as manager. The reason advanced is that because a proprietor has to be declared a disqualified proprietor under the Court of Wards Act he is incapable of managing his zamindary. This proves the mover's utter ignorance of the real conditions. He overlooks the fact that the proprietor in such cases acts as manager under the direct control of the Collector of the district and the Board of Revenue. This system keeps him in close touch with his *raiyats* and trains him up in the art of zamindary management under Government's supervision. Sir, in conclusion, I may be permitted to say that it is a pity that the Congress should have taken up the cause of the *mahajans* at the cost of ruining the zamindars who are in distress. I support the amendment for the circulation of the Bill.

Maulvi ABDUL BARI: I beg to support the motion that has been moved by Rai Jagesh Chandra Sen Bahadur and that has also been supported by Kumar Shib Shekhareswar Roy. I oppose the motion for taking the Bill into consideration. I will as well oppose the motion for referring this Bill to a Select Committee. In making the statement my submissions are that this Bill for the amendment of the Bengal Court of Wards Act is not a Bill of so much importance and urgency that it requires either to be considered on the floor of the House all at once or should be referred to a Select Committee. In all these measures and resolutions the opinion of the public ought to be obtained and the views of associations in the mufassal, the views of lawyers, of zamindars and of other public bodies ought to be ascertained as well. Now, Sir, it is well known, and it may be argued also by the other side, how is it that you do not agree to consider this Bill on the floor of this House or to refer it to a Select Committee, how is it that you agree to-day to refer this Bill for circulation for eliciting public opinion when only the other day we brought forward the Bengal Tenancy (Amendment) Bill, and without referring it for circulation or to a Select Committee proceeded with its consideration on the floor of this House? I submit, Sir, there is a good deal of difference between the Bengal Tenancy (Amendment) Act and the Court of Wards Act. The Bengal Tenancy (Amendment) Act is an Act of urgent and immediate necessity and therefore it was considered necessary to proceed at once with the Bill without waiting for a single moment, whereas the provisions laid down in the Court of Wards Act are not so very stringent, are not so very harsh or so very

urgent as to be discussed here at once or to be referred to a Select Committee. There are some provisions in this Act itself which may tell very hard upon those whom it will affect. In clause 3 of the Bill it has been stated that the sons of disqualified zamindars or proprietors of land should not be allowed to be made managers of the wards' estates. Herein also I disagree with the mover that simply because a proprietor has been disqualified it does not follow naturally that his son is also not competent enough to manage his own estate and that the sins of the father must be visited upon his son. Here we are reminded of a story in the Aesop's Fable that a leopard in order to devour a lamb told it that simply because its father had muddled the water (MR. SARAT CHANDRA BOSE: Muddled the water?) therefore he must devour it. Is that the reason which weigh with Mr. Maitra to say that the sons of disqualified proprietors should not be allowed to be managers? I am not going to deal in detail with the provisions of the Act, because there has been a motion also for reference to a Select Committee. For these reasons, Sir, I submit that the reference of this Bill to a Select Committee as also the motion for taking it into consideration should be opposed, and the motion for circulation supported by the House.

Mr. SPEAKER: I propose to put the motion for circulation first and then the motion for reference to a Select Committee.

The motion was put and a division called.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Before you put the motion to vote may I have the leave of the House to withdraw my motion?

Mr. SPEAKER: Your turn has not come yet. When it comes you will have a chance to withdraw your motion.

Ladies and gentlemen of the House, arrangement has been made to utilise three doors on my right for the Ayes lobby and also three doors on my left for the Noes lobby. This will facilitate recording of votes.

Mr. SPEAKER: The House is divided——

Mr. SURENDRA NATH MAITRA: Mr. Speaker, Sir, I want to raise a point of order. I made it perfectly clear in my opening speech that an amendment for reference of the Bill to a Select Committee would come from the Hon'ble Minister in charge and that I would accept it. As a matter of fact, the Hon'ble Minister did move his amendment for reference to a Select Committee. Is he in order then, Sir, in going to the "Aye" lobby when this motion for circulation was being voted upon?

Mr. SPEAKER: Order, order. As a matter of fact, if the Hon'ble Minister had not indicated his desire that he was prepared to withdraw

his amendment, then for him to vote for the circulation motion would have been technically improper. But, in view of the fact that he expressed a desire to withdraw his amendment, I do not think that, technically speaking, any objection can be taken to his conduct.

The Hon'ble Mr. H. S. SUHRAWARDY: I rise on a point of order, Sir, and more than that. May I submit, Sir, that if you had put the vote regarding circulation motion first and the House had decided against it, then Sir Bijoy could have moved his motion for reference to Select Committee, and inasmuch as you did not put the circulation motion to vote before calling upon Sir Bijoy to move his motion for reference to Select Committee then he was perfectly in order in moving for reference to Select Committee, because in case that was lost, there would have been no second defence to fall back upon.

Mr. SPEAKER: I think you are entirely wrong, Mr. Suhrawardy, and I say this from the point of view that there is something like constitutional propriety which also should be heeded. (Cries of "Hear, hear" from the Congress benches.) Constitutional propriety demands that if there is a motion which is really contradictory to another motion, a member moving one motion should not vote for the other motion, but, I held that Sir Bijoy can do so in the present case. (*Hear, hear* from the Congress benches.) There is no bar to his doing so. It is open to a member to disavow all intentions in the light of discussion (Rai HARENDRA NATH CHAUDHURI: And eat his own words) and I have nothing to say to that. I say again it is a matter of constitutional propriety and nothing more than that. But as I have already said, in view of the fact that the Hon'ble Minister before he voted expressed a desire to withdraw his motion he was perfectly constitutionally proper and acted within his rights. Now, I declare the result of the division. Those who are for the motion are 129 and those who are against the motion 63. Therefore, the Ayes have it. The result is that Sir Bijoy's motion for reference to a Select Committee falls through.

AYES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasehid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
Altav Hosain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.

Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barman, Babu Upendra Nath.
Basu, Babu Jatindra Nath.
Biswas, Babu Lakshmi Narayan.
Brasher, Mr. F. C.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, The Hon'ble Mr. A. K.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Ferguson, Mr. R. H.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
MacLauchlan, Mr. C. S.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Solaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafa Ali Dewan Sahib, Mr.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nimmo, Mr. T. B.
Nooruddin, Mr. K.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Kumar Shib Shekhareswar.
Roy, Mr. Dhananjoy.
Roy, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, C. B. E., Mr. Khwaja.
Shamsuddin Ahmed Khandkar, Mr.
Shamsul Huda, Maulana.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tapuriah, Rai Bahadur Moongtu Lall.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
West, Mrs Ellen.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr

NOES.

Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Aftab Ali, Mr.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerjee, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Babu Hari pada.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Sakumar.

Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chnadra.
Maniruzzaman Islamabadi, Maulana Md.
Mukherjee, Mr. B.
Mukherji, Dr. H. C.
Mukherji, Dr. Sarat Chandra.
Mulliek, Srijut Ashutosh.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kamaikrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

Mr. JOGESH CHANDRA GUPTA: May I, Sir, with your permission, point out that the Hon'ble Minister had assured the Congress Group that he would press for the Select Committee motion. Was he in order now in offering to withdraw his motion and supporting the circulation motion, when you were putting the motion to vote?

Mr. SPEAKER: Well, that is one of the inconsistencies of politics!

The Bengal Medical (Amendment) Bill, 1937.

Mr. ANUKUL CHANDRA DAS: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Medical (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Jute Bill, 1937.

Mr. SPEAKER: So far as this Jute Bill is concerned, my difficulty is that I have only just had an opportunity of going through the Bill. The Bill as originally notified required the consent of the Governor under section 82(*1*) of the Governor of India Act, 1935, and we took steps to get that consent, but we have not yet received it and so the Bill cannot be moved now.

(The motion was, therefore, postponed.)

(To Mr. Surendra Nath Biswas who rose in his seat): Mr. Biswas, you will rise when your turn comes to move your Bill.

The Bengal Development (Amendment) Bill, 1937.

Mr. PRAMATHA NATH BANERJEE: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Development (Amendment) Bill, 1937.

In asking for leave to introduce the Bill I need not deliver a long speech.

Mr. SPEAKER: As a matter of fact, no speech is necessary at all.

The Secretary then read the short title of the Bill.

The Bengal Medical (Amendment) Bill, 1937.

Al-Haj Maulana Dr. SANAULLAH: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Medical (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. CIASUDDIN AHMED: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Jute Bill, 1937.

Mr. SPEAKER: In the case of this Bill, the sanction of the Governor has not yet been received; so, it cannot be moved at this stage.

The Bengal Local Self-Government (Amendment) Bill, 1937.

Mr. SYED HASAN ALI CHOWDHURY: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Local Self-Government (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Sweep-stakes Bill, 1937.

Mr. P. BANERJI: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Sweep-stakes Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. P. BANERJI: I also move that the said Bill be taken into consideration.

First of all I must say that my Bill is absolutely non-controversial and it is a panacea for all evils and also humanitarian. There is a misapprehension in the minds of many that lotteries and sweep-stakes are a sort of betting or gambling. But I submit that a sweep-stake is not gambling; there is much difference between a sweep-stake and gambling. Real gambling, as is known to everybody, is race course betting, and although betting is a definite form of gambling, it is going on merrily in this country. It is a recognised gamble because people encouraged by luck, stake all their money and thereby not only ruin themselves but their whole families. There are many such instances. Only three

years ago, it is a well-known fact, that a certain lawyer of Calcutta fell down dead on the race course. What was the reason? The reason was that he got a tip from a certain jockey by bribing him and he mortgaged not only his house but also his wife's jewellery and collected about Rs. 10,000. He then ran to the race course and put all the money on the horse, the name of which the jockey gave him, all the time expecting that his horse would come first. But, alas, the result was that the horse did not come first and he lost all his money and lost his life. (A VOICE: What was his name?) His name was——.

Mr. SPEAKER: I would once again draw the attention of the members of the House that it is a well-known parliamentary convention that in citing an example of any incident they are not to mention any names. Mr. Banerji, you should not mention the name.

Mr. P. BANERJI: Now, Sir, this is not the only instance; as readers of newspapers are well aware, there are many such instances.

There is some sort of intoxication in the race course. I may very shortly give an example of how it intoxicates people. It is seen that people who run out of luck become addicted to this vice: they spend most of their time in the race course and it is not uncommon to see some of them in the winter morning lying on the grass in the race course covered with a blanket to ascertain the gallops of the horses—perhaps with the gallops of the horses their hearts also dance and gallop.

Then, Sir, there are many instances of not only persons dying but also ruining themselves and their families by indulging in this habit; and although race is a real form of gambling, it is going on merrily in this country.

When I brought a Bill to introduce other forms of gambling in order to put the Government in the wrong it was not accepted. Then, Sir, the dog race was legalised in 1934 in England. The dog race was started in Lucknow, it was going on merrily in Alipore (Belvedere) also in the name of sport and skill. This is the state of things going on and Government take no notice of it and this illegal thing was legalised by an amending Act.

Now, Sir, let us for a moment consider what a sweep-stake is and a lottery. It is a game of chance and not a gambling. Don't you feel, Sir, that whole life is a chance? Let us see next what mischief is done by a lottery.

In Calcutta many sweep-stakes are run. They are run by—

Calcutta Turf Club,

Rangers Club,

Victoria Club,

Graill Club,

St. Anthony's Orphanage, St. Annes and other orphanages.

It may be noted that even the orphanages run these sweep-stakes. How can it be said that lottery is immoral and vicious when it is run by the clergymen? I have been putting question after question and resolution after resolution from 1932 right up to this time for the introduction of lottery and sweep-stake but to no effect. Every time Government refused it and said that they could not accept my proposal. However, I have been able to bring the Government to their knees and they had to admit that these sweep-stakes could be run and they were not illegal if they were run with the permission of the Government.

In 1870 in the Indian Penal Code there was an amending section 294A which reads as follows:—

"Whoever use any office or place for the purpose of any lottery not authorised by Government shall be punished with imprisonment, etc." Now, Sir, this law was introduced in 1870, and it has been going on since then. Government say that these sweep-stakes and lotteries could only be run by clubs and confined to members only. But, Sir, although I am not a member how is it that I possess a bunch of tickets issued by the various clubs in my name? Every one knows how these tickets can be had and how they are sold publicly. The clubs could not make a huge profit unless they sold the tickets to the outside public and I dare say Government are aware of all these things and they are aware too that many beneficial things were done in the past out of the proceeds of the lottery. As a matter of fact Calcutta town proper owes its existence to the money derived from lottery. I will mention some of the improvements effected out of the proceeds of lotteries. First lottery was started in 1784. In that year the value of a ticket was Rs. 32 and 10,000 tickets were sold and St. John's Church which was the Cathedral of Calcutta for a good many years, was built out of the proceeds of this lottery at a cost of Rs. 3,20,000. This lottery was started by the Commissioners and was called the "Bengal Lottery". The Commissioners of the lottery ran this lottery year after year, accumulated a large sum of money and spent it in building the town of Calcutta. They excavated many big tanks some of which we still find in Calcutta and some others have been filled up by the Calcutta Improvement Trust. At that time there was no waterworks and these tanks were dug for supplying drinking water. The Commissioners effected other improvements out of the proceeds of lottery and in 1805 built the Town Hall and constructed the Strand Road from Princeps Ghat and Hastings Street and probably beyond the roadway from Cornwallis Street through College Street, Wellington Street, Wellesley Street and Wood Street, Cornwallis Square, Wellington Square, Hungerford Street, Amherst Street, Free School Street, Hasting Street, Creek Row, Mangoe Lane and Bentinck Street. All these streets and squares were built out of this fund. Afterwards this was stopped when Calcutta was converted into a municipality in 1876, which took up the

work of improvement. If I go into details it will take hours so I put to you shortly how lottery was usefully utilised in the past for the benefit of the public at large and how it could be usefully run. Lottery is still being run by people in Calcutta and not Calcutta alone but also in other provinces and in the Native States. It is run in Tipperah, in Central India and foreign sweep-stakes tickets are also sold in Calcutta, one of them and the biggest of them is the Irish Sweep-Stake. If it is said that there is no sweep-stake in England, I do not dispute that. But tickets are sold in England and the English people are interested in the sale of these tickets. Tickets are sold from France—the French bonds, the Belgian bond; there is also lottery in Hungary and I hold many tickets of the State of Monte Carlo and Monako. If it is said that it is not a British Dominion, I hold another bunch of tickets from Australia, Queensland also in Bermuda in West Indies, Melbourne and Sidney.

Now, Sir, I will restrict myself to the Irish sweep-stakes and show to the members of this House the amount of money derived by them. A large sum of money is drained out of this country, by European banks selling these tickets and members of Government including their Secretaries have told me that they cannot support them officially but in fact many members were themselves holding tickets of Irish sweep-stakes in those days. I know most persons purchase these tickets and banks sell them. What have Irish Government done out of the money derived from these sweep-stakes? They only started this in 1930 for the first time and in 7 years' time they have helped the hospitals. The Irish hospitals in 1923-24 were the worst hospitals in the world and to-day they are the best hospitals. In the first year, i.e., in 1930, they helped the hospitals to the tune of Rs. 88 lakhs and up till now the total funds they have given to the hospital alone are about 7 crores. The Hospitals Trust has placed all the money at the hands of the Government.

Now, Sir, my point is "why should we allow this money to be drained out of India and Bengal for nothing? We can just as well utilise this money for the benefit of this province. Then there is an invidious distinction between person and person. Lotteries are run in this province by several clubs and when lotteries were started by Indians the result was that police fell upon them and prosecuted them. Then again, Sir, along with lottery, betting goes on merrily in many places. I do not refer to the legalised race-course betting, but to surreptitious betting in the form of bucket-shops but Government will not take any notice whatsoever. If you allow this state of affairs I would say that it is nothing but hypocrisy, in the words of Duke of Atholl in 1934 when this subject was brought up in Parliament.

At this stage the House was adjourned for 15 minutes.

(*After adjournment.*)

Mr. P. BANERJI: Sir, as I was saying the whole object of this Bill is to legalise the sweep-stakes that are going on here and at the same time, to stop the drainage of money out of this country and to utilise it for the purpose of the good of this country. There is no denying the fact that the Government is suffering from paucity of funds. Now, I have proved to Government that if it is not sinful, unwise, vicious on the part of other Governments—independent Governments of Ireland, Belgium, France, Hungary, Turkey and also the dominions such as Australia and also other similar States, I fail to understand how it can be argued that it is not in any way good on our part to run sweep-stakes for the benefit of our people. As I pointed out in the beginning there is some misconception in the minds of many as they confuse the two issues like race course betting and other betting. I maintain that it is nothing of the sort. There is no such contingency in a lottery. In case of a lottery you pay Rs. 2 up to Rs. 10 highest once for all, and you take your chance and out of this money you can utilise a portion for the benefit of the country as is done in Ireland where 25 per cent. goes to the benefit of the hospitals. As I pointed out in the beginning the Irish hospitals to-day are the best hospitals and they need no more money on that account. Now they are utilising Rs. 50 lakhs yearly for the hospitals and the rest of the money out of 25 per cent. is used in other directions. I would not have sponsored a Bill like this year after year if I knew that Government had sufficient funds to save the people of Bengal from death. The other day during the budget session questions were put to the Hon'ble Minister in charge of Public Health and I must say that Government always complained of paucity of funds and members after members stood up and depicted a gloomy picture of the horrible conditions of the hospitals in Bengal. That being the state of affairs I thought that this Government will take a humanitarian point of view and support this immediately and would not table a motion for circulation. I have noticed that the Hon'ble Minister as well as other members have given notice for circulation. Sir, I feel personally that the Hon'ble Minister is aware, being a member of the old Council when I first tabled this motion, that this State Lottery Bill was circulated for public opinion by Government and there were so far as I remember 147 opinions. Out of that 147 opinions, 144 were in my favour and 2 definitely against and one neither here nor there, and that opinion was from the Turf Club. They could not say either "yea" or "nay" and two, so far as I remember, opposed. That was the public opinion even in those days. The public opinion was overwhelmingly in my favour and now I also maintain if public opinion is taken it will naturally be in my favour. Now, Sir, as the Hon'ble Minister has tabled his motion for circulation, of course when he will move it, I will perhaps have no objection to the Bill being circulated for public

opinion; but I would request the Hon'ble Minister to see that it is not done for the purpose of shelving this question. It is the most important question before us to-day, because if we can utilize the money derived from this measure for the benefit of the people of this country, there cannot be any other better cause than what I have put in this Bill. Then again, Sir, if there is any question about the power of utilization of the money by Government, I have provided for full power to Government in the Bill to the effect that the Local Government may, by notification, make rules regulating the grant of licences and the application of this Act.

Then there is another point. Perhaps, I may anticipate the stock argument that the Hon'ble Minister will put forward that there will be a lot of difficulties in the way and there will be more expenses to be incurred for raising this fund. As I have said, it is not necessary to obtain public opinion on my Bill. It has been proved beyond doubt that lotteries and sweep-stakes can be run very satisfactorily and it is a fact that more money will not be required to be spent for organisation because such sweep-stakes and lotteries have been very well organised by the foreign committees and also those run by the Turf Club and other clubs in Calcutta. These stakes have become very very popular and I submit that there need be no apprehension that a major portion of the collection will be spent on the organisation for running them.

Now, perhaps the members are getting impatient on account of their own bills, and I will put the whole thing in a nutshell. I would like that the Hon'ble Minister will take into consideration all the facts; either it will be the duty of the Government to stop all sweep-stakes or it will be their duty not to make any invidious distinction but to legalise all sweep-stakes and control them; and the whole money in that case will not be diverted outside Bengal but will be utilised here, crores of rupees, and Bengal will be placed on the same footing as Ireland and other places and it will be a panacea for all diseases and all evils and Bengal once again will be flowing with milk and honey. With these words, Sir, I commend my motion for the acceptance of this House.

Maulvi TAMIZUDDIN KHAN: Mr. Speaker, Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by 31st January, 1938.

Sir, I congratulate my friend, Mr. Banerji, on his indefatigable energy in pursuing this question. He has been at it at least for the last five years. Sir, one cannot be of two opinions as regards his purposes; he has a highly laudable purpose in view and I think if the Hon'ble Minister, Mr. Nalini Ranjan Sarker, whom I do not see here now, be allowed to change place in the Cabinet with Mr. Banerji, the Treasury will be in no dearth of funds. Sir, with the advent of the

new constitution all kinds of hopes have been raised in the minds of the people which were not considered possible under the old constitution but are considered to be within the reach of the people under the new constitution. The other day we found in the papers that in a certain province there was a demand for legalising and licensing brothels. Certainly if that is done, a good deal of money can come to the public exchequer. This is also one way of raising money. Now the proposal of my honourable friend is that money should be raised by legalising and licensing sweep-stakes and lotteries. The first obvious objection to this is that it is a very expensive way of raising money. A very small percentage of money that is spent by the public in such sweep-stakes can possibly come to the public coffers. This is one point of view which I think the House should take into consideration. Again, Sir, my friend has described in very glowing terms the evils of gambling that take place in the race courses. I am in perfect agreement with him as to the miseries the people suffer on account of gambling in the race courses but one would have expected Mr. Banerji to see his way to stop gambling in the race courses and I think they would have owed a great debt of gratitude to him if he could successfully pilot a Bill for putting a stop to that gambling. Instead of that, we find, Sir, that he is coming forward with a measure for encouraging the same gambling spirit in the people of Bengal. Certainly, if the proposals of my learned friend are accepted, that will encourage the gambling spirit of the people. Private bodies may indulge in such enterprises but I do not think it is proper for Government to go in for a thing like that. I, therefore, think that the proposals of my learned friend cannot be accepted.

Sir, my friend has said that other countries have adopted courses like this for the purpose of raising money but he has been able to name only a few countries. Sir, I do not think any religious issue should be raised at all on a question like this. The moral objection that can be raised against this proposal is sufficient for the purpose and I think so far as a certain section of this House is concerned, they cannot think of the proposal of raising money by legalising and licensing lotteries. For this reason I am against this measure altogether but if the House is of opinion that Mr. Banerji should be given a chance and that the measure should go in for circulation, I am prepared to accede to a demand like that and it is with that view only that I have proposed an amendment like this.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1937.

Sir, the number of huge prizes that have been given by the Irish Sweep-stakes has had such an extraordinary effect on my friend, Mr. Banerji, that his clearly logical mind has been rather affected

to-day and his speech has been full of fallacies. On the one hand, he has put before us a picture of what has been achieved in Ireland by the enormous sums that Ireland has received and of the enormous amount of money that has been given away in prizes. On the other hand, he has drawn our attention to what has been going on not in Bengal but in Calcutta. If we examine his speech, we find that while he has criticised Government for various acts, he has not taken into consideration that whatever is happening, whether it be racing or lotteries at the present time, it is confined to a very limited number of persons. Calcutta is not Bengal, and if there is racing in Calcutta, it is only those who are residing in Calcutta or occasionally visit Calcutta that can be affected by it. If there are clubs which run sweep-stakes, these club tickets are sold surreptitiously perhaps, or through their members, and it is not easy for ordinary persons to get hold of these tickets——

Mr. ABDULLA-AL MAHMOOD: Perhaps, the Hon'ble Minister knows that tickets are sold through members of the clubs.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I know that tickets are obtainable perhaps through members of clubs, but it is not easy to get the tickets; you have to look for members who can be relied on, because there is every chance that even if you win the first prize, you may not get the money except through the member. Therefore, the number of people affected at the present time by the charm of lotteries would not be the same as would happen if Government were to legalize lotteries in Bengal. If lotteries be legalized and you want to hold a big lottery, it will mean that in every village and every hamlet you will have to advertise it and you will have to hawk your tickets and collect money from the poorest to the richest. Therefore, the analogies that have been put forward by Mr. Banerji do not hold at all. Once you start a legalized sweep-stakes on a large scale, the amount of people that will be affected will be so large, the evil effects of this kind of thing will be so great and it will have such a bad effect on a large number of persons that it will be nothing compared to what it is now.

Then, again, Sir, Mr. Banerji has been carried away by the huge prizes that have been offered by the Irish Sweep-stakes Committee and also the money that they have collected for hospitals through these sweep-stakes. He, however, forgets that once you start a sweep-stake in Bengal, there may be sweep-stakes in Bihar, in the United Provinces, in Assam, in Bombay and when you have a large number of sweep-stakes competing with one another, the chances of having anything approaching the money collected by the Irish Sweep-stake Committee are absolutely nil. Therefore, the beautiful vista that Mr. Banerji has put before this House of our land flowing with milk and honey,

I am afraid will be a mere dream and there is no likelihood of anything like that amount of money being collected. As my friend, Mr. Tamizuddin Khan, has just said before me, it is a most expensive way of raising money. If you have a sweep-stake on a big scale and if you want to make it popular, you have to offer 40 per cent. of the total collection for the 1st prize, 20 per cent. for the 2nd prize and 10 per cent. for the 3rd, 10 per cent. for non-starters, then 10 per cent. will go towards the cost and at the most 10 per cent. will be left and even that is doubtful——

Mr. Banerji has started with the idea that you will get a crore of rupees out of it. It means that you must collect twenty crores to be able to get one crore out of it. With all these sweep-stakes going on, it is not possible to get even one lakh and you will be very lucky if you get more. I submit, therefore, that on the one hand the amount of money you will get will be small and on the other the evil effect of it will be very great. Then again whereas in Ireland the sweep-stakes get money from all over the world, you here, when you start competing with Ireland your chance of getting money from outside India will be very remote. Then if other provinces compete as well the chances are still more remote and whatever money will be raised from Bengal will be contributed by her poor people. It will mean that a large number of people, 99 per cent. of them, will contribute their money and make perhaps one per cent. of them rich. Is that worth having, —I ask? (Mr. Jogesh Chandra Gupta: What about the races?)—My friend asks what about the races? He forgets that it is confined to those few who go to the Calcutta Race Course and people who remain outside the enclosure and watch it are not affected by it. It is only those who get into the enclosure—I admit there is some outside betting also—but their number is not more than 5,000 or at the most 10,000, but your Irish sweep-stake deals with ten lakhs of people (A VOICE: but that is for once a year.) May be once a year but once you start a big lottery here the other provinces will come in and there will be taxation on sweep-stakes. The whole country will be flooded with sweep-stakes and every province will come in with their sweep-stakes (Rai Harendra Nath Chaudhuri: The similar is the case with Europe.) I know but in Europe people can afford it, in Bengal they cannot; that is the only difference. (A VOICE: What about Cinemas?) The Cinema is for the poor people at 4½ annas per show but in this case the minimum is Re. 1. Mr. P. Banerji has cited the case of a man who staked everything and when the horse lost he lost his life also. I may cite the case of a man in Bombay who won Rs. 30,000 and then collapsed from heart failure and died. If you get ten lakhs of rupees and die out of the joy for it, it is useless. Sometime ago I saw the report of a person in England who had collected statistics of persons who had

won prizes at sweep-stakes and according to that report it is extraordinary that 60 or 70 per cent. of those people came to bad ends afterwards. They were quite happy and contended persons before they got prizes but after that they started such a reckless life that they came to bad ends. I am sure that if people will go and look up records, they will find that the figures I have quoted are not wrong. At least I have got them from newspaper reports. I am therefore strongly of opinion that this Bill should be circulated for eliciting public opinion. There are strong objections to it. I may confess that there was a time when I was myself in favour of this idea but reflection has convinced me that this is not a practical proposition whatsoever. As regards sweep-stakes, if it was possible to have one sweep-stake confined to the whole of India and that there was no competition among the provinces, then there was a possibility of your getting a large sum of money. I may cite another instance which is known to most of the members of this House. There was a time when the Calcutta Turf Club Sweep-stake used to give 15 lakhs but after the inauguration of the Irish Sweep-stake the Calcutta Turf Club Sweep-stake prize has been reduced to 2½ or 3 lakhs. The enormous fall in the prize money of the Calcutta Turf Club Sweep-stake which has been going on for the last 30 or 40 years and which is known all over the world is an extraordinary illustration. (A VOICE: Because they have stopped issuing tickets to the public.) Even though they do not issue tickets to the public they issue the numbers, but before the Irish Sweep-stake came in they gave very big prizes. It is a fact that they are not issuing tickets to all but these are confined to members only and those friends of members who can get tickets through them. It is therefore not easy to get tickets. A legalised sweep-stake will mean flooding the country with sweep-stakes. Therefore I am strongly of opinion that this Bill should be circulated for eliciting public opinion.

Khan Bahadur JALALUDDIN AHMAD: Sir, I feel obliged to oppose not only the introduction but also the circulation of the Bill on two grounds and I am surprised to find that it is a number of the Congress who has sponsored the Bill—the Congress under the leadership of that saintly person Mahatma Gandhi. First sweep-stake is another kind of gambling and recognised by every society to be not moral. We come here not only as members of the Legislative Assembly but also as men with deep religious convictions. I have come as a Muslim and in spite of my friends asking for the circulation of it I oppose the motion on my conviction. What is legal should also be moral. My friend, the sponsor of the Bill, has put forward this Bill on two grounds, viz., that we can earn some money which will go to the benefit of some institutions and that we can prevent the foreign sweep-stakes by indigenous sweep-stakes. By that he admits

by implication that every means should be justified by the end. To give an illustration the dacoity can be justified provided the money earned by dacoity is utilised for the good of the people. I do not think any member of this House would support dacoity on that ground. I do not understand what good will be derived by assenting to the circulation of the Bill which means temporary consent to it although the Hon'ble Khwaja Sir Nazimuddin has opposed the bill on very cogent grounds. My other point is that once the law recognises it, there will be no end of other immoral measures being introduced in this Assembly on the ground of beneficial ends. My submission therefore to the Speaker and through the Speaker to the House is that a measure to be legally entertained should at the same time be moral, and if it is not moral it should not be accepted. On these grounds, Sir, I oppose the motion for introduction as well as for consideration of the Bill.

Mr. W. L. ARMSTRONG: Anything I say here on this occasion I do entirely at my own responsibility and not on that of the European group. The Hon'ble Minister has just cleared somewhat the wonderful dream of Mr. P. Banerji. I say it is a very fine dream compared to the dream he had the other day when he asked for Rs. 4½ lakhs for a tuberculosis hospital. In reply the Minister in charge enquired how much money could he expect thereform? Some years ago I asked a question in reply to which Mr. Prentice said that it was freely admitted that hospitals in Calcutta and in Bengal were totally inadequate by way of accommodation, equipment and staff for the needs of Bengal in normal times, apart from times of epidemic. And I asked what Government had in view by way of alleviating that situation but they had nothing to offer. They admitted of being short of funds and said that we would have to wait till trade improved. Now, Sir, if you raise money for hospitals in Bengal you will clear the future budget of that item which will mean that money which will ordinarily be spent from the taxpayer's money will be used for other nation-building departments, or in whatever other direction it may be. The question of this flooding the country with sweep-stakes does not affect morality at all. There is a saying that what Bengal thinks to-day India thinks to-morrow. Why cannot Bengal take the lead now? Even if it means flooding the country with sweep-stakes we shall at least have hospitals which we have not got to-day. If you want to solve this question of hospitals you should try to-day to get at least two medical college hospitals. I find in this connection that the question of morality has been brought in. Now, Sir, here is morality in its most hypocritical form. Everyone knows that it is a criminal offence to exterminate an embryo from the womb but humanity turns round and says that when that embryo emerges in

the ordinary course it is not a crime not to provide that with hospital accommodation; that is when it reaches the feeling of consciousness we neglect it, but not so when it is in the womb.

Now, Sir, lotteries are no new things and the Minister forgets that this Bill provides that Government will issue those licenses and I take it that if this Ministry has to issue licenses it will have to make a full enquiry as to how hospitals will be run and under what kind of statutory rights. In England we have 1040 hospitals and 15 million sterling are raised by subscription and even there questions are being raised about lotteries for hospitals. Twice the Labour Party raised the question. If we do not get money in the ordinary course I think it can be done by raising money from sweep-stakes. Southern Ireland has under three millions of population from our colonies and all over the world. Is the conduct of man to man in Ireland any worse now than it was before she had the Hospitals Sweep-stakes? I say, certainly not. We all realize what we have got in Calcutta from lotteries. I see one item here—Rs. 50,771-13-11, the balance of the Lottery Committee Fund subscribed for the Medical College Hospitals. The lotteries were abolished in 1836, owing to the strength of public opinion, but that was because they were run so badly. Because they were run so badly, it is not fair to say that you cannot run a sweep-stake perfectly well or that the sweep-stakes in Ireland are not run in a perfect manner. The Calcutta St. John's Church had its first contribution of Rs. 80,000 from the lotteries, and the Town Hall of Calcutta and the Free School, they also were built up from contributions from lotteries in Calcutta. Certainly, this question must be tested as a whole, and the test is: will the good exceed the evil. You insure your life for the simple reason that it is subject to risks and you want to safeguard your life against them.

Sir, at a Parliamentary inquiry in 1808 Robert Baker, Police Magistrate, was asked: "Do you believe that lotteries are prejudicial to the morals of the people?". And he replied: "In a very great degree"—certainly not by buying tickets in a lottery: the great evil is insuring. And I hope the Hon'ble the Finance Minister will remember that for the future.

Now, Sir, I do not want to take up much of your time. But the fact is that lotteries have achieved many things in our time. To begin with the Virginian lotteries established the first English colonies in America; provided the money to send the people there. There were five Westminster Bridge lotteries and the British Museum Lottery of £300,000, and the Sunderland Bridge Lottery. We must seize the get-rich-quick mentality of the people and seize upon it and use it for very good purposes. Every Minister in charge of departments says: "We are short of funds; we are short of funds", which

is in strange contrast with the demand for funds in the country. We must seize this mentality, and I would appeal to Government to make hay while the sun shines.

I would ask those who are somewhat orthodox in their religious outlook to change their views and realize what we are up against. You must know perfectly well that the Medical College Hospitals are grossly overcrowded. There is also a dearth of nurses there and you cannot get good nurses. Nowadays, nurses are required to have a very high standard of education as well as to have a good physique. All these require a great deal of money. The Hospitals are now short of nurses; they cannot get good doctors to attend to their duties properly because the Hospitals are so overcrowded. Therefore, Government must face the situation—Why turn down this proposal of Mr. Banerji? The situation must be faced, I repeat. And I think the proposal should be accepted. It is a great humanitarian proposal, and we do expect them to do better than the Governments of the past have done in Bengal and go about these things, so that sweepstakes may be run in Bengal as are done in Ireland and under similar conditions. If everything in this world was perfect, then there would, of course, be no necessity for lotteries. Are the Hospitals here perfect, with people maimed and suffering from diseases which can be cured but which are not cured on account of lack of funds? I say it is a disgraceful state of affairs, and it is unwise in my opinion not to tap a source which may enable us to meet the situation properly. I have put up a lot of moralization, but I will end by quoting the words of the great John Russell about lotteries and morals: There is no wealth but a life. Life is blooming in all its fundamental love. That country is the richest which nourishes the greatest number of happy human beings. That man is happy who has had the effect of this on his own life.

Mrs. ELLEN WEST: I have no hesitation in according my full support to the principle of this Bill. It is a well known fact that, although sweep-stakes have been considered unlawful under the existing law, there are many sweep-stakes run by different Associations, Clubs, Corporate bodies not entirely for the benefit of charity. Most of the funds gained in such sweep-stakes are utilised for the promotion of private clubs catering for a handful of members. That these sweep-stakes have been allowed to run—especially those which are obviously not run for the benefit of charity—cannot be due to Government being unaware of the existence of these sweep-stakes. Indeed highly placed Government servants have consistently been purchasing tickets in these sweep-stakes although they may disclaim official knowledge of it. But Government have never been able to prevent the conduct of these sweep-stakes although, I believe, there

is at present no position in the law of the land to legalise them. The police frequently issue warnings to those who run these sweep-stakes and demand their discontinuance but such warnings have been mainly of a formal nature. My object in referring to this aspect of the matter is not with a view to criticising the policy of the Government in the past or the action of the individual Government servant. In many cases a strict application of the law would have deprived very many deserving charities of perhaps the only means of their maintenance. But, there is no doubt that, in certain cases, the leniency on the part of the Government has resulted in institutions other than charitable bodies and individuals making sweep-stakes the main source of their income. Calcutta is said to have been developed mainly through funds raised by lotteries. There is, therefore, no reason why Government should not officially recognise sweep-stakes which are run for the benefit of charities even as they do to-day unofficially.

Personally I would prefer that all existing sweep-stakes should be closed down and the Government should run two or more lotteries every year controlled by a Board consisting of representatives of all interests. The profits of such State lotteries could be devoted for the purposes mentioned in clause 3 of the Bill before the House. The existing sweep-stakes may also be awarded adequate compensation for the loss entailed by their closure.

The other day my hon'ble friend Mr. Wordsworth referred to the fact that the nursing service in Bengal is maintained chiefly by subscriptions from the public—mainly European philanthropists. No one will deny that careful nursing contributes in no small measure towards the recovery of a patient and yet Government have not been in a position to defray the cost of the nursing service in the Hospitals in Calcutta, much less afford any amenities so necessary to these nurses in their not too pleasant but most humane duties. State lotteries such as I suggest may provide the means necessary for such desirable purposes. Such centralisation would in my opinion, incidentally, reduce corruption which is bound to arise if Clubs, Associations and Local bodies are allowed to run sweep-stakes even subject to the grant of licenses.

Mr. P. BANERJI: May I, Sir, at this stage have your permission to accept the motion of Maulvi Tamizuddin Khan?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I want to withdraw my motion in favour of the motion of Maulvi Tamizuddin Khan.

Mr. SPEAKER: All right, I will put your withdrawal motion afterwards. Is it necessary to discuss this matter further?

(Cries of 'No, no'.)

Mr. SPEAKER: Then, I think I should put the question. Maulvi Tamizuddin Khan's motion has been accepted by Mr. P. Banerji.

The motion of Maulvi Tamizuddin Khan that the Bengal Sweepstakes Bill, 1937, be circulated for the purpose of eliciting opinion thereon till the 31st January, 1938, was put and agreed to.

Mr. SPEAKER: Leave has been asked by the Hon'ble Khwaja Sir Nazimuddin to withdraw his motion. Is there any objection?

(As there was no objection, the motion was, by leave of the House, withdrawn.)

The Bengal Money-Lenders (Amendment) Bill, 1937.

Mr. AHMED HOSAIN: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Money-Lenders (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Municipal (Amendment) Bill, 1937.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Municipal (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Court of Wards (Amendment) Bill, 1937.

Maulvi ABUL HASHIM: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Court of Wards (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Maulvi ABUL HASHIM: Sir, I also beg to move that the said Bill be taken into consideration.

From the clock, Sir, I find that there is not much time for us to discuss the matter at length to-day, and so I do not propose to make a long speech. Only, I shall give the House in a nutshell my reasons why I move this motion. The policy of previous Governments has been——

Mr. SPEAKER: Is your Bill on the same lines as that of Mr. Maitra?

Maulvi ABUL HASHIM: No, Sir. It is an entirely different Bill. This Bill proposes to exclude landlords from the protection of the Court of Wards and wants to include charitable institutions. I have already said, Sir, the policy of previous Governments has been to give protection to a class of parasites and spoiled children of the soil known as the zamindars for political reasons. There was a time, Sir, when the zamindars had their utility in the social structure of the nation. There was a time when these zamindars had to devote much of their time and energy for maintaining their zamindaries and in looking into the interests of their tenants. There was a time when the interests of the landlords and the interests of the tenants were inseparable. But, Sir, things have now changed. I do not think that at the present moment these landlords have any social utility. They are mere parasites sucking the life-blood of the people and throwing the peasants of Bengal into the hands of the money-lenders and other exploiters, themselves being quite indifferent to their interests. By a process of legislation, zamindary business is now made easy; by the passing of the Patni Act, by allowing these zamindary to come under the protection of the Court of Wards, and by many other kinds of protection zamindary business has been made easy, and it is now possible for the zamindars to completely forget their tenants and to live miles apart from them and indulge in extravagances and personal merry-making. The idea of the Court of Wards is to give protection to minors, women, lunatics, etc. And I do not understand why Government have been following the policy of giving protection to landlords even against other interests. An amendment to the Court of Wards Act moved by one of our Congress friends at the beginning to to-day's session gives another example of how Government generally go out of their way to give extraordinary protection to these landlords. I was simply surprised when our friend Kumar Shib Shekhareswar Ray said that the amendment proposed to give certain advantages to covetous moneylenders against the landlords. He also said that the moneylenders lend money to the zamindars at a very exorbitant rate of interest. I think he ought to have been ashamed of making such a statement. I do not think that those idiotic and foolish zamindars who yield to the temptations of the moneylenders and borrow money at exorbitant rate of interest should exist any more and the sooner they go the better for the society. I think that the present Government should change their policy particularly because the zamindars have not social utility now (they are mere parasites) and it is for this that there is a cry in the land to abolish the zamindari system in Bengal. With this end in view the Government propose to appoint a Land Revenue Commission.

This is the idea which has prompted me to move this Bill. I want to remove the zamindars from the protection of the Court of Wards. If you continue the protection you will be simply encouraging the extravagance on the part of the zamindars.

My Bill also proposes to place the charitable institutions under the protection of the Court of Wards. It is so surprising that the Government who are looking to the interest of the zamindars are so careless about the charitable institutions and wakfs.

With these words I ask the House to take my Bill into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg too move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1938.

Rai Bahadur JOGESH CHANDRA SEN: I support the amendment moved by the Hon'ble Sir Bijoy Prasad Singh Roy. I do not move my amendment.

The amendment of the Hon'ble Sir Bijoy Prasad Singh Roy was then put and carried.

The Bengal Municipal (Amendment) Bill, 1937.

Mr. SUKUMAR DUTTA: I beg to move for leave to introduce the Bengal Municipal (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. SUKUMAR DUTTA: I beg to move that the said Bill be taken into consideration.

I do not wish to inflict a long speech on the House in support of my Bill. The intention of my Bill is to do away with the system of nomination in the municipal bodies. In the Legislative Assembly the system of nomination has been abolished and now the municipal bodies should be freed from this pernicious system which comes as a natural corollary. The Hon'ble Minister in charge of the Local Self-Government Department in a very recent speech declared that it was his sincere desire that the system of nomination should go and I only hope that at least for the sake of consistency he would support my Bill and withdraw his amendment for circulation. But alas! consistency is fast becoming a rare phenomenon with the Hon'ble Members of the Treasury Benches.

The Hon'ble Maulvi SYED NAUSHER ALI: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1938.

Reference has been made to me personally with regard to an opinion which I expressed some time past on this question and the honourable member in charge of the Bill is perfectly justified in making that

reference but legislation is a matter which affects not only me personally but it affects the public at large. I may have my own opinion about this matter but I don't think it will be justifiable for me as the Minister in charge to thrust my opinon on others. That is why I make this proposal for eliciting public opinion on this Bill. The Bill aims at doing away with nomination altogether. The municipal bodies are vitally interested as well as the people in the municipal areas. It appears to me only reasonable that the opinion of the people interested should be consulted. I may also tell the house that the whole matter of the constitution of the municipal bodies of which nomination is only an aspect is under my consideration and examination and I propose to lay before the Cabinet my considered opinion on this subject shortly. I think I will not be inconsistent if I ask for a little time for a study of this complex problem of the constitution of municipal bodies and also in the meantime get the advantage of the opinions of the public in general and of the municipalities in particular.

With these words I commend my amendment to the acceptance of the House.

The motion was put and agreed to.

Mr. SPEAKER: I think I may announce that an arrangement between the party leaders has been arrived at thus ending in a happy termination. There are only 11 candidates who have been proposed for the Committee of Privileges all other candidates having withdrawn. I read the names:—

(1) Maulvi Abdul Bari,
(2) Mr. Abdul Wahab Khan,
(3) Mr. Abdur Rahman Siddiqi,
(4) Mr. Jatindra Nath Basu,
(5) Rai Harendra Nath Chaudhuri,
(6) Mr. Upendra Nath Edbar,
(7) Mr. Tulsi Chandra Goswami,
(8) Mr. Jogesh Chandra Gupta,
(9) Mr. C. Millar,
(10) Mr. Khwaja Shahabuddin, and
(11) Mr. Shahedali.

I declare that these candidates are elected to the Committee of Privileges.

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday, the 16th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 16th September, 1937, at 5 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Honourable Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Allotment of money from the Road Development Fund for the construction of road in Faridpur.

***164. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether—

(*i*) any money has been hitherto allotted for the construction of any road in the district of Faridpur from the Road Development Fund; and

(*ii*) any scheme of road development in the said district from the aforesaid fund has been sanctioned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what are the roads included in such scheme?

(*c*) When is it expected to take up the actual works of construction?

(*d*) What is the order of priority in which the works of construction is intended to be taken up?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) No.

(*b*) to (*d*) Do not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any road project under the consideration of the Government for the district of Faridpur?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: A comprehensive scheme is being prepared and it would be ready very shortly. I believe there are proposals for every district.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether those schemes are under the consideration of Government?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: We have not received the report yet, but we expect it shortly.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that there is a project from Barisal to Faridpur which will be an inter-district road of great importance?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am afraid I cannot go into details at this stage.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether there is any principle for the allotment of money from the Road Development Fund?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I may state for the information of the House that these allotments are made in consultation with the Board of Communication.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state if the principle is strictly followed?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not quite understand what principle the honourable member wants us to follow.

Appointment given to passed students from Berhampore and Serampore Weaving Schools.

***165. Maulvi ABDUL BARI:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state how many students, if any, passing from the Berhampore Weaving Institute have been given appointment in July and how many from Serampore Weaving School?

(*b*) Will the Hon'ble Minister be pleased to state the total number of appointments from the two schools, Serampore and Berhampore, during the last five years?

(*c*) Will the Hon'ble Minister be pleased to state if it is a fact that these appointments are made by the Director of Industries in consultation with the Principal of Serampore Weaving College?

(*d*) Will the Hon'ble Minister be pleased to state how many students passing from Berhampore Weaving School have got loans and how many from Serampore?

(*e*) Will the Hon'ble Minister be pleased to state if he is considering the desirability to form a committee for these appointments to remove disparity?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) None from Government Silk Weaving and Dyeing Institute, Berhampore, and 12 from the Government Weaving Institute, Serampore.

(*b*) Fifty-four from Serampore and 8 from Berhampore.

(*c*) Yes, in consultation with experts for whose section appointments are made.

(*d*) Seventeen from the Government Weaving Institute, Serampore, during the last five years and none from the Government Silk Weaving and Dyeing Institute, Berhampore, as under the existing rules, the students of that institute are not eligible for such loans.

(*e*) These appointments rest with the Director of Industries, Bengal, and Government do not consider it necessary to form a committee.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) why out of 12 appointments not a single one was made from the students passing out of the Berhampore Silk Weaving and Dyeing Institute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have answered it in (*d*).

Maulvi ABDUL BARI: The answer to (*d*) relates only to the giving of loans, whereas I am putting the question regarding appointments. Question (*b*) refers to the appointments made during the last five years. My question is why out of 12 appointments not a single one was given to the students of the Berhampore Silk Weaving Institute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that the efficiency of a student of the Berhapmore School is as good or as bad as the efficiency of those who pass out of the Serampore Weaving School?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in point of efficiency the students of the Berhampore Institute are inferior to the students of the Serampore Weaving School?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: He is asking for an opinion: I cannot say that.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state why the Principal of the Serampore Weaving School is consulted at the time of the appointment and not the Headmaster of the Berhampore Silk Weaving and Dyeing Institute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether henceforth it would be possible for Government to pay better attention to the Berhampore School?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am enquiring into the matter.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether he has made any enquiries to find out if the students who passed out of the Berhampore Institute cannot be taken into consideration for the grant of loans for manufacturing silk in Malda and Bankura?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have not made enquiries, but I shall be pleased to do so.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether it is under the contemplation of Government to remove the restriction of the existing rules so that the Berhampore students may be eligible for such loans?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall look into this question.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what are the rules which disqualify the students passing out of the Berhampore Institute to get loans from Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I ask for notice.

Persons trained and provided under the Unemployment Relief Scheme.

***166. Babu HARIPADA CHATTOPADHYAY:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) the total expenditure of the Government of Bengal towards the Unemployment Relief Scheme under the Industries Department, which was introduced in the year 1932-33 to solve the unemployment problem by giving industrial training to the unemployed youths of Bengal;

(*ii*) how many young men were trained in different industries under the said scheme; and

(*iii*) how many of these trained men started independent industrial business and how far they have been successful?

(*b*) Did the Government advance any capital to these trained men for starting industrial workshops and, if so, to what extent and to how many of them?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) Rs. 3,81,074 up to 31st March, 1937.

(*ii*) and (*iii*) A statement is placed on the table.

(*b*) No. The scheme is mainly concerned with training of unemployed young men in such remunerative cottage industries as do not require much capital.

Statement referred to in the reply to clause (a) (ii) and (iii) of the starred question No. 166.

Name of industry.	Number of students actually trained.	Number of students who have successfully started factories.	Number of students who have found employment.
1. Umbrella-making	143	42	25
2. Bell-metal	113	15	24
3. Cutlery	103	8	26
4. Pottery	75	20	20
5. Soap-making	350	52	26
6. Jute-weaving	140	46	21
7. Wool-weaving	68	34	6
8. Boot and shoe making	141	24	18
Total ..	1,133	241	166

N.B.—The figures shown above cover the period up to the 31st March, 1936, from the inception of the scheme in 1932-33.
Figures for the period after March, 1936, have not yet been verified.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what is the cost per head for teaching students these industries?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the factories said to be satisfactorily started are in working order to-day?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the number of students who have found employment are still employed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state why only 35 per cent. of the total number of students trained in the different industries have either been provided in firms or factories and not more are employed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I will find out the reasons.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the attention of the Government has been drawn to a statement published in the *Ananda Bazar Patrika* that all these factories have failed?

Mr. SPEAKER: You cannot raise this point on the basis of a newspaper report.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if it is true that almost all the factories that have been started have failed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No, Sir.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state where all these training Institutes are situated?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dismissal and reinstatement of certain police officers.

*167. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether most of the staff of the Calcutta Police who were dismissed by the Officiating Commissioner of Police in 1935, have been reinstated by the present Commissioner of Police?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reason for such reinstatement; and

(*ii*) the names and designation of persons so reinstated?

(*c*) Will the Hon'ble Minister be pleased to state whether it is permissible to transfer officers of the Calcutta Police to the Bengal Police and *vice versa*?

(*d*) If the answer to (*c*) is in the affirmative, are the Government prepared to take steps for the transfer of some officers of the Calcutta Police who are in Calcutta for a long period to the Bengal Police?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Out of 54 officers and men dismissed by the Deputy Commissioner of Police, during the tenure of the acting Commissioner of Police, 19 were reinstated on appeal by the Commissioner of Police in exercise of his powers as the appellate authority.

(*b*) (*i*) On consideration of the appeals, the Commissioner of Police found that the charges against them were not supported by evidence.

(*ii*) I do not consider it desirable in the public interest to disclose the names of the officers and men so reinstated.

(*c*) No, as the rates of pay of corresponding ranks in the two forces are not the same.

(*d*) Does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state how many of these 19 persons were reinstated and how many of them were sergeants?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state how the commissioner of Police could become the appellate authority for decisions come to by the officiating Commissioner of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member is not correct. It was not the decision of the acting Commissioner that was overruled by the Commissioner. The men were dismissed by the Deputy Commissioner of Police and the Commissioner of Police was the appellate authority.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to say whether any special investigation was made as to the cause of the reinstatement of these officers who were dismissed by the previous Deputy Commissioner?

The Hon'ble Khwaja Sir NAZIMUDDIN: It must be assumed that the Commissioner of Police reappointed them after thorough investigation.

Maulvi ABDUL LATIF BISWAS: With reference to answer (c) will the Hon'ble Minister be pleased to state the reason for the differentiation of the scales of pay between the members of the Calcutta Police and the Bengal Police.

The Hon'ble Khwaja Sir NAZIMUDDIN: That does not arise out of this question.

Mr. BARADA PROSANNA PAIN: Will the Hon'ble Minister be pleased to state if it is a fact that the officiating Commissioner of Police and the permanent Commissioner always worked for cross purposes?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is not correct.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether the Deputy Commissioner is the final authority in the matter of all dismissals?

The Hon'ble Khwaja Sir NAZIMUDDIN: Only in the case of certain class of police officers.

Mr. PROMATHA RANJAN THAKUR: With reference to question (b) will the Hon'ble Minister be pleased to state whether the names of the police officers dismissed and reinstated were published in the official gazette?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to explain his answer to (*a*) viz., that "the officers and men dismissed by the Deputy Commissioner of Police during the tenure of the acting Commissioner of Police"? Does it not clearly mean that he was acting as Commissioner of Police when he dismissed them?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, that is not the interpretation I put to it.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state which ranks these 19 persons belonged to?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether the dismissal of these 54 persons were made final by the acting Commissioner of Police, Mr. Gordon?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the two officers concerned with the dismissal and reinstatement of these persons were Messrs. A. D. Gordon and L. H. Colson?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member is not correct.

Mr. SPEAKER: That is rather an involved question.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether the acting Commissioner of Police approved or disapproved of the dismissals by the Deputy Commissioner of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, that does not arise because they were dismissed by the Deputy Commissioner of Police. The question of approval or disapproval does not arise.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if the dismissals by the Deputy Commissioner of Police were without reference to the acting Commissioner of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: The orders were passed by the Deputy Commissioner of Police and the rest of the thing is a departmental matter which is confidential.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Mr. Robertson, Assistant Commissioner, was one of the officers so dismissed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state that out of these 19 who were reinstated how many were Anglo-Indians and how many were Indians?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Persons dismissed and reinstated during the tenure of the Commissioner of Police, Mr. A. D. Gordon, and Mr. L. H. Colson, respectively.

***168. Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) the names of officers of the Calcutta Police who were dismissed while Mr. A. D. Gordon was the Commissioner of Police, Calcutta; and

(*ii*) the names of such officers who were reinstated by Mr. L. H. Colson who took over charge as Commissioner of Police from Mr. Gordon?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the reasons for which these persons were dismissed by Mr. Gordon;

(*ii*) whether the charges against them were not true or were not substantiated; and

(*iii*) the reasons for which they were reinstated by Mr. Colson?

The Hon'ble Khwaja Sir NAZIMUDDIN: The hon'ble member is referred to the answer given to starred question asked by Mr. P. Banerji at this meeting of the Assembly.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state the names of the officers of the Calcutta Police who were dismissed while Mr. A. D. Gordon was the Commissioner of Police, Calcutta, and the names of officers who were reinstated by Mr. L. H. Colson who took over charge of the Commissioner of Police from Mr. Gordon?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated in reply to the previous question that I do not consider it desirable in the public interest to disclose the names of the officers and men so reinstated.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that considerable discontent exists in the Calcutta Police because of the quarrel of two officers as a result of which dismissal and reinstatement have been very frequent?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether any action has been taken against the Deputy Commissioner of Police who dismissed these officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: If an appeal is lodged it does not necessarily follow that action is taken against the person who punishes.

Scheme of pension for Settlement Kanungoes.

***169. Mr. MAQBUL HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact—

(*i*) that Government accorded administrative approval to a scheme of pension for Settlement Kanungoes by letter No. 10740L.R., dated the 29th August, 1931;

(*ii*) that the scheme was subsequently supplanted by a scheme of gratuity by their letter No. 17847L.R., dated the 23rd November, 1935;

(*iii*) that the scheme of gratuity was considered grossly inadequate by the Settlement Kanungoes;

(*iv*) that the amounts admissible under the gratuity scheme would be unevenly distributed, varying from Rs. 1,000 to Rs. 2,000; and

(*v*) that the Settlement Kanungoes submitted memorials to His Excellency the Governor in 1936, for reconsidering Government decision conveyed by the letter referred to in (*ii*) above

(*b*) If the answer to clause (*a*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, Government propose to take in the matter?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Yes.

(*ii*) Yes, the gratuity scheme replaced the pension scheme.

(*iii*) This is likely.

(*iv*) The amount in each case will vary according to the length of service prior to 1st March, 1925.

(*v*) Yes.

(*b*) No further action is proposed in the matter.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what are the essential conditions and what is the minimum period of service that will entitle a kanungo to pension?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Kanungoes.

***170. Mr. MAQBUL HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) if it is a fact that no Kanungoes for continuous service have been recruited since 1921; and

(*ii*) the number of Kanungoes in continual employment since 1921 or before?

(*b*) How many of these Kanungoes are going to be thrown out of employment in consequence of the Government decision to drop Midnapore Settlement operations?

(*c*) How many of these Kanungoes have rendered over 15 years' continuous service?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government have in contemplation the absorption of these officers in other departments?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of the departments in which they are proposed to be employed? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes.

(*ii*) 147.

(*b*) The exact number for discharge in consequence has not yet been determined.

(*c*) All of them.

(*d*) and (*e*) The matter is now under examination.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

West Bengal Soap Factory of Majdia (Nadia).

188. Babu HARIPADA CHATTOPADHYAY: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that the "West Bengal Soap Factory" of Majdia (Nadia) described in the Government report as opened by Sj. Dharanidhar Bharati who was trained in that industry under the Unemployment Relief Scheme has been closed down;

(*ii*) that attempts are being made by some officers in the Industries Department, Government of Bengal, for extracting letters from the persons concerned contradicting the report of the failure of the scheme as appeared in the *Ananda Bazar Patrika* of the 25th July, 1937;

(*iii*) that one Mr. Prabhat Kumar Ghosh said to be a soap demonstrator in the Industries Department, Government of Bengal, personally went to Sj. Beni Madhab Bharati, father of Sj. Dharanidhar Bharati, trained in soap making, at Majdia, to extract letter from the father contradicting the report of the closing down of the "West Bengal Soap Factory" at Majdia; and

(*iv*) that the said father of Sj. Dharanidhar Bharati supported the report of the *Ananda Bazar Patrika* of the 25th July, 1937, and contradicted his previous contradiction letter which he was persuaded by the said officer to write?

(*b*) If the answers to clauses (*ii*), (*iii*) and (*iv*) are in the affirmative, what steps do the Government propose to take against the said officer?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) No; the factory is working.

(*ii*) and (*iii*) No; an inspector was deputed to enquire into the working of the factory and its assets in connection with an application for loan under the Bengal State Aid to Industries Act filed by him.

(*iv*) As far as my information goes, he was coerced to issue the second contradiction.

(*b*) Does not arise.

Unemployment problem.

189. Babu HARIPADA CHATTOPADHYAY: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the money, time and energy have been spent unnecessarily and uselessly by so many young men of Bengal?

(*b*) Has the Hon'ble Minister contemplated of providing these trained unemployed youths?

(*c*) Have the Government thought of any new scheme for solving the present unemployment problem of the educated young men in general?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The question is not understood. If the member refers to young men trained by the Industries Department in various small industries, the answer is in the negative.

(*b*) The question is not clear. If by "providing" the member means providing capital, the answer is that loans are granted by Government under the State Aid to Industries Act and facilities have also been provided through the Industrial Credit Syndicate Limited for obtaining loans to start small business.

(*c*) Yes. A plan for industrial development which includes new schemes for the benefit of unemployed educated young men has been drawn up and is now under consideration.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether almost all the students passing out of the Berhampore Weaving School are sitting idle without any work?

Mr. SPEAKER: The question has nothing to do with Berhampore.

Maulvi ABDUL BARI: That is a general question, Sir.

Mr. SPEAKER: From general you cannot come to a specific question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that under the present rules for providing loans out of the State-Aid to Industries Act it is not possible for a new entrant to get any loan for industrial purposes?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware but I will look into it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that under the present arrangement it is not possible for any one to get State aid unless he discloses certain secrets of business which would be against the interest of his business?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what is the scheme regarding the solving of unemployment problem that he proposes to take up?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That question does not arise out of the question.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, before you take up the next item of business on the paper may I, with your leave, ask the Hon'ble Home Minister whether he has any information about the 7 or 8 prisoners who were on hunger strike until recently?

The Hon'ble Khwaja Sir NAZIMUDDIN: Eight of them who were on hunger strike have suspended the hunger strike.

Mr. JOGESH CHANDRA GUPTA: Since when they have suspended?

The Hon'ble Khwaja Sir NAZIMUDDIN: Since yesterday, but I am not sure about it.

NON-OFFICIAL BILLS.

The Bengal Jute Bill, 1937.

Mr. SPEAKER: Mr. Biswas, your Bill as drafted was sent for the Governor's recommendation but it has not been received yet.

Mr. SURENDRA NATH BISWAS: I have just now received a letter from the Hon'ble Minister in charge saying that Government is prepared to circulate my Bill. In that case will you not allow me to introduce for circulation?

Mr. SPEAKER: I think your purpose is served by Government agreeing to circulate for public opinion but so far as I am concerned I am barred from allowing a Bill to be introduced unless the Governor's recommendation is received.

Dr. NALINAKSHA SANYAL: On a point of order, Sir, may I submit that so far as the rules go the introduction of a Bill is perfectly within your power to allow.

Mr. SPEAKER: The difficulty is that the Bill as originally given notice of and of which members have got a copy requires sanction under section 82 (*1*). What has transpired between the department and Mr. Biswas I am not officially concerned with, because I did not get notice of it within time and as such I must go on with the original Bill. Of course I am glad to see that Government has agreed to circulate it, but so far as I am concerned I am absolutely helpless.

Rai HARENDRA NATH CHOUDHURY: How can a Bill be circulated for opinion before it is introduced?

Mr. SPEAKER: Government can do it in their executive capacity.

Mr. DEBI PROSAD KHAITAN: I am very sorry to say, Sir, that we are absolutely in the dark as to what has happened regarding this Bill.

Mr. SPEAKER: We have not got the Governor's recommendation and therefore it has not been moved.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi MIRZA ABDUL HAFIZ: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Maulvi ABDUL BARI: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. SASANKA SEKHAR SANYAL: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. SHAHEDALI: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Agricultural Debtors (Amendment) Bill, 1937.

Mr. IDRIS AHMED MIA: Sir, I beg to move for leave to introduce the Bengal Agricultural Debtors (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Public Demands Recovery (Amendment) Bill, 1937.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move for leave to introduce the Bengal Public Demands Recovery (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be taken into consideration.

Sir, before going into the merits of the Bill I beg to remind the House that my Bill have got practically the approval of the Premier. The other day when Maulvi Tamizuddin Khan was moving a cut motion at the time of the budget discussion on the certificate procedure the Hon'ble Mr. A. K. Fazlul Huq spoke on the subject when I intervened. At that time the Hon'ble Premier gave us some assurance that my Bill will be considered by Government. I do not know, Sir, what is the decision of the Cabinet but so far as I can gather——

Mr. SPEAKER: That is not the principle of the Bill. You are now to discuss only the principle of the Bill.

Maulvi ABU HOSSAIN SARKAR: Now, Sir, I beg to read the Statement of Objects and Reasons of the Bill as given by me——

"Since the passing——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That may be taken as read.

Mr. SPEAKER: I am afraid I cannot stop Mr. Sarker if he wishes to read it. But in view of the fact that so many Bills are pending before the House it will be kind of him if he be as short as possible.

Maulvi ABU HOSSAIN SARKAR: Sir, the Statement of Objects and Reasons of my Bill says:—

"Since the passing of the Bengal Act III of 1913, other laws relating to the realisation of rent have considerably been changed or amended. The object of the Act is the speedy realisation of public demands and as rent in some cases falls within the category, it was considered expedient to supersede the general laws, for realising rents, which were a little bit dilatory, by the summary certificate procedure prescribed by the Act. But now ample provisions are made in the Bengal Tenancy Act itself for suing the defaulting tenants after every *kist* is over, and for expediting the disposal of

the suits and execution proceedings, in rent courts. Besides the publication of the High Court Rules and Circular Orders has revolutionised the procedure in civil courts which have practically been brought at par with the certificate courts in the matter of disposal.

"So realising rents by certificates has become obsolete and unnecessary. On the other hand, all summary procedures generally cause extreme hardship to their victims specially in financial matters.

"Hence it is time to remove this drawback in the laws to save the poor tenants from untold misery by excluding rent from the public demands."

Now, Sir, my Bill, as it is drafted, aims at three things. First, it likes to give a restricted definition to the words "public demands" Section 3 of the Public Demands Recovery Act describes what is a public demand. Now "public demand" means any arrear or money mentioned or referred to in Schedule 1, and includes, etc. After the word "Schedule 1" I would like to insert the words "except rents." After that I would like to amend the Act in some other material sections. The certificate procedure is applied to tenants in generally three ways. First, under section 58A of the Bengal Tenancy Act private zemindars are allowed to use this certificate power for the realisation of their rents. So by repealing section 63 of the Public Demands Recovery Act, I propose to take away that power from the private zemindars. After that, Sir, under article 7 of Schedule 1 of the Public Demands Recovery Act, the Collectors are entitled to collect rents from *khas mahal* tenants by summary procedure. Therefore, by amending that article we would like to curtail the power of the Collectors of applying the certificate procedure in *khas mahal* areas.

Lastly, by repealing article 8 of Schedule 1, we like to take away the certificate power from the Court of Wards as is exercised in Bengal. Therefore, I submit, Sir, that if this Bill is allowed to be passed in this House, then the collection of rent by the summary procedure of certificate, will be stopped. Now, what is this certificate, Sir, it is not for me to describe. It is well known in Bengal that this is a very harsh procedure which is practically eating away the vitality of the tenants of Bengal. It has really been admitted by the Government themselves, as they propose to do away with section 58A of the Bengal Tenancy Act and I think, Sir, the public is already aware, and the Government have already admitted, that this procedure is very harsh and it is ruining the tenantry of Bengal. I see, Sir, that the Government have proposed to circulate the Bill for eliciting public opinion but I very humbly submit that the opinion is there. The harshness of this certificate procedure is well known and the promise to do away with that was the pledge given by many members of this House during the last election and especially by the Chief Minister in his Patuakhali fight.

Mr. SPEAKER: I think I will have to be a little more rigorous this time; and under the power which I have got, I shall rule out all matters which are not relevant to the issue under discussion before the House. I therefore rule out all references regarding the Patuakhali fight. We have had enough of it.

Mr. SASANKAR SEKHAR SANYAL: Sir, we cannot forget Waterloo.

Maulvi ABU HOSSAIN SARKAR: Sir, that the certificate procedure is harsh has been admitted on all hands. I shall give one instance. When the property of a poor lady was seized, 4 Ministers sent 4 letters for the stay of the certificate proceedings and still the property was sold. I had the misfortune of appearing for the poor lady and after all the intervention of 4 Ministers was of no avail. The Certificate Officer had the audacity of disregarding the Ministers' letters.

Sir, I may mention another case in which I appeared, in which both the decree-holder and the judgment-debtor filed a joint petition of compromise for setting aside the sale. But the Certificate Officer refused to set aside the sale even though the decree-holder had no objection to the sale being set aside. It is a matter of common knowledge that the certificate procedure is very unpopular here in Bengal. I do not know anything about the other provinces; but so far as I know about this procedure, it is as ruinous as anything else for the tenantry of Bengal. So I submit that if the Bill be considered by Government, then the tenantry of Bengal would be much benefited.

In this connection, I may bring to the notice of this House that regarding almost all the private members' Bills the Government have taken a very harsh attitude. They have introduced amendments to circulate all the Bills. That shows that Government are not allowing any private member to bring forward his views on particular subjects. Therefore, I submit, Sir, that Government intend to suppress the privileges or rather take away privileges of private members, to introduce Bills and I do not know why. This is a matter of very grave importance; it concerns the tenantry of Bengal. Therefore I appeal to this House that the Bill may not be thrown out at once.

Sir, about the suggestion of circulation, I submit that it will not bring out any information or opinion other than that which is not already before the House. This House is of a representative character and the members are aware of the harshness of this measure. No useful purpose will be served if the Bill is circulated for eliciting opinion thereon. I submit therefore that this Bill should be thrashed out on the floor of the House and finally passed into law.

Now, Sir, there may be assurances from the Treasury Benches but those assurances will not help the tenantry any more. If the Bill be

circulated for eliciting public opinion, then after 6 or 8 months, under the Rules and Standing Orders, the Bill will have to be placed before a Select Committee and that will take the whole session if not more. Therefore, the tenantry of Bengal will not be benefited in any way by adopting this suggestion. (A VOICE: Lamentable.) Yes it is really lamentable for the tenantry of Bengal. (SEVERAL VOICES: *Marhabba*). You may laugh, you may cry *Marhabba*, but the tenantry will say otherwise; they are suffering, they are being oppressed and destroyed by this summary procedure. While you may cry *Marhabba* and laugh, the tenantry are crying for justice. I therefore earnestly appeal to the House to see that this Bill is passed into law on the floor of the House.

Khan Bahadur JALALUDDIN AHMAD: Sir, I rise on a point of order. As we have not received copies of the Bill, is the hon'ble member responsible for the Bill entitled to put forward the motion for consideration of the Bill?

Kumar SHIB SHEKHARESWAR ROY: Sir, we have not also got copies of the Bill.

Maulvi ABU HOSSAIN SARKAR: Sir, I gave copies of the Bill to the Secretary to place them on the members' tables.

Mr. SPEAKER: As regards the matter of placing Bills and other papers on the table, the Secretary will undoubtedly help members, but the duty cast upon the member himself of circulating copies of papers cannot be shifted on to the Secretary or to my office. If that be the attitude of members in this matter, then I shall have to withdraw the help I have given and ask members to make their own arrangements. I did it simply for the convenience of members.

Dr. NALINAKSHA SANYAL: Sir, I rise on a point of procedure. According to the direction that you gave us, we have been circulating copies of papers on the floor of the House by placing these papers on the table through the Secretary. If, however, any member chooses to be absent on a particular day or at the time when the papers in question are circulated, evidently he must miss these papers. But what I submit is, whether this circulation will not cover the purpose of the rule so far as distribution is concerned.

Mr. SPEAKER: Certainly not.

Khan Bahadur JALALUDDIN AHMAD: Sir, may I know when the Bill was placed on the table?

Mr. DEBI PROSAD KHAITAN: Sir, with regard to the point of procedure raised by Dr. Sanyal under which papers are circulated on the floor of this House, I have a complaint to make. I submit that if a member is absent from this Chamber for even 15 minutes, it is not possible for him to get these papers. Supposing a member is absent from the House on a particular day and he is quite entitled to do so—he does not get the papers at all, nor is he aware of what papers had been circulated on the day of his absence. If the practice, which has grown up of circulating papers by placing them on the table before each member, be continued, I submit, Sir, that in the ordinary course it will result in a large number of members not getting the necessary papers relating to the business of the House.

So far as Bills are concerned, I submit that it should be absolutely necessary for the member in charge of the Bill or the Government to send the Bills to the addresses submitted to the office by each member in order that the member concerned may be sure of getting the papers. There is the post office, or if a member does not wish to spend money on stamps, he ought to go round to each member's place of residence and deliver the papers. Otherwise, he should be prepared to take the necessary step of sending the papers through the post office. I submit, Sir, that you will be pleased to take the circumstances into consideration, because at the present moment the state of affairs which exists is causing a great confusion.

Dr. NALINAKSHA SANYAL: Sir, may I draw your attention to the latter portion of Rule 53 on page 14 of the Standing Orders, where you have the right to exercise your power to suspend this order and allow a motion to be made even though it does not comply with the requirements of the rule? May I submit, Sir, that in view of the difference of opinion and in view of the honest attempt that the member concerned made for circulating the Bill in this particular case, you will be pleased to kindly exercise the option that is vested in you.

Mr. SPEAKER: As regards the question of circulation being done through Secretary, Dr. Sanyal knows that that order was passed in reference to the non-official Bills. That order was passed during the budget debate. I found on the floor of the House party Whips going round and circulating papers. I thought it not at all desirable that on the floor of the House papers should be circulated except through the agencies of Secretary. I think party Whips cannot circulate papers on the floor of the House. There is no convention by which this can be done. As a matter of fact Dr. Sanyal himself took advantage of the rules and standing orders. He got circulated a statement through our department. I definitely say that I have tried to meet the convenience of the members, but our office canot take responsibility of

seeing whether the members get those papers or not because that is a matter which the member himself has to see. He is required under section 53 to get papers circulated and he must find out ways other than that of circulation on the floor of the House. I quite feel with Mr. Khaitan that a member may be absent for 5 minutes and within that 5 minutes other agencies might be working for removing those papers. (A VOICE—That is a reflection on the members.) I do not want to make any reflection. What I feel is that so far as circulation on the table is concerned it is not in compliance with the standing rule which is absolutely mandatory that a member must give notice to the members 7 days before. I personally feel that it would probably be better in this session, as a member might be under the misapprehension that by circulating at the table he has done his part of the duty, if I should waive my objection. But I find a very large number of members were objecting to it I think it will not be right on my part to waive it. What I suggest to them is that at least for this session if a member has actually circulated his Bill on the table, members might take that this has been done. But it is for the members to decide.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: May I submit that about 50 or 60 members of this party have not received a copy of the Bill.

Mr. SURENDRA NATH BISWAS: Objection might also be taken if the Bill is sent by post. Also a member may be absent from his place of residence for 4 days and the Bill may be misplaced. Where is the guarantee or proof that a member can produce in this House that his Bill was sent by post. We want a ruling from you as to how a bill should be circulated.

Mr. SPEAKER: My ruling is that this matter should be discussed by the Committee of Standing Rules.

Maulvi ABU HOSSAIN SARKAR: I personally supervised when the peons were placing the Bill on the respective seats and so far as I am aware I am satisfied that the Bill was circulated.

Mr. SPEAKER: When did you do that?

Maulvi ABU HOSAIN SARKAR: I think on the 7th of this month. All those books were supplied and placed on the tables of all the honourable members of the House.

Mr. P. BANERJI: We, on this side have got it.

Mr. JOGESH CHANDRA GUPTA: When Secretary's name has been mentioned it would be better if the Speaker would ascertain from him and then give a ruling whether an honest endeavour has been made or not. This measure affects one-third of the tenantry of Bengal and in that measure the Treasury Benches were in agreement.

Mr. SPEAKER: I feel it is not for me to say anything more when a member rises up and says that he has not got a copy of the Bill. I must hold that so far as non-receipt of the copy of the Bill is concerned, in deference to those who have made statements to that effect, I should not exercise my power to permit the debate. But it is also open to me to exercise my power to suspend this order and allow the motion to be made. Maulvi Abu Hossain Sarkar had asked my permission some time ago to circulate it on the table and there seems some attempt was made to do so. Probably the circulation took place towards the latter part or during the interval when some members were absent. But in view of the fact that a *bona fide* attempt was made 7 days before, I think I am justified in ruling that Maulvi Abu Hossain is in order, particularly because I find that the Hon'ble the Revenue Minister has got a motion for circulation and if it is circulated, members will not be affected at all. But if the Bill were to be taken into consideration then the position would have been different. And subsequently I have got to consider as to whether a further stage would be gone into in this matter after this motion is disposed of. In the meantime I hold that a *bona fide* attempt had been made. From the next session, however, if a member says on the floor of the House that he has not received a copy the member concerned will have to make other arrangements for circulation. Mr. C. Millar has drawn my attention to the fact that so far as this session is concerned whatever might be done should not be held as a precedent. I, therefore, do not make it a precedent at all when I say that I hold this in order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I draw your attention to the fact that a large number of members say that they have not received copies of the Bill? Would you rule out the motion?

Mr. SPEAKER: I shall rule out a motion generally. You can move it because I personally know that Maulvi Abu Hossain Sarkar did place it on the table and I must hold that he has complied with the standing rule by making a *bona fide* attempt to do so.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think it is necessary for me to waste the time of the House by going into a detailed argument against the motion which has been moved by the member in charge of the Bill. Sir, this Bill if passed into law it

will affect the revenues of Government. It will affect the collections of the estate under the Court of Wards which means again that it will affect ultimately the revenues of Government, because under the Court of Wards Act Government cannot bring to sale estates the land revenue of which may be in arrears. So ultimately it may affect the whole budgetary position of Government. We have about 70 lakhs of rupees as our current demand from Khas Mahals. So it is only proper that Government should have proper facilities for collecting rent of the Khas Mahals and should have the same facilities to collect rent of the estates under the Court of Wards. In this view of the fact I would suggest that the Bill should be circulated for eliciting public opinion thereon. There is another fact. Several honourable members of this House have taken objection on the ground that they had not the opportunity of seeing the Bill. That is another additional reason why the Bill should be circulated for eliciting public opinion. Sir, with these few words I would move my motion that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1938.

Mr. SURENDRA MOHAN MAITRA: Mr. Speaker, Sir, I must make clear our position before the amendment of the Hon'ble Revenue Minister is accepted by the House. I do not know how in the face of his Bill, i.e., the Bengal Tenancy Amendment Bill in which he proposes to delete the portion relating to certificate procedure, he now comes forward with a dilatory amendment to shelve the matter which affects one-third of the tenantry of Bengal.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I strongly protest against the expression used by the honourable member. This is a matter which can be moved by a member of the House and it should not be characterised as dilatory.

Mr. SURENDRA MOHAN MAITRA: Mr. Speaker, Sir, perhaps I am entitled to take my view of the amendment by which I do not cast any aspersion upon the Hon'ble Minister. It is a parliamentary expression and I am entitled to use it. Now I appeal to members of the Coalition Party to cast their vote in our favour. You have by a general concensus of opinion accepted the principle that certificate procedure should not be allowed in matters of realisation of rent from the tenants. Tenants are tenants whether they are under a zamindar, whether they are under a zamindar who is a ward under the Court and no matter whether they are tenants under Government. My friend has raised a bogie that it will affect with the revenue of the province. Well, where was his apprehension when he sought to deprive the private landlords of their right to apply for certificate procedure because does he not see that if they cannot realise their rents they cannot pay revenue? Will that not interfere with the realisation of the revenue?

I do not understand what is behind this motion. I must fervently appeal to the Coalition Party who certainly feel for the tenant and if the one-third of the tenantry of Bengal is going to be tyrannised by this certificate procedure and if it has the approval of this House I do not think we cannot by any stretch of imagination call ourselves the representatives of the masses. As regards eliciting public opinion I think it is an insult to the intelligence and to the representative character of this House. Are we not representatives of the people? Can we not give our opinion on reading the Bill? Who will give the opinion—the District Magistrate under whose authority a certificate is issued? I do not know if the poor tenants who suffer under this summary procedure will have any voice in the matter, because it will never be sent to them for an expression of their opinion. I, therefore, oppose this amendment of the Hon'ble Revenue Minister for circulation.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I feel that my esteemed friend Mr. Maitra might have spared the House the speech which he has just delivered. Apart from other considerations, the mere fact that many honourable members in this House have declared in the clearest manner possible that they have not got a copy of the Bill, that they do not know the provisions of the Bill, is it fair to ask the House to consider the Bill here and now. I think, Sir, the mere fact that so many members have not got a copy of the Bill is a sufficient ground for sending the Bill to circulation. I think, Sir, that all other arguments may for the moment be forgotten. (A VOICE: There has been a party meeting in the meantime?) Whether there was a meeting or not it is not for me to say. I leave the House to draw its own conclusions. But the fact remains that many members of this House have not got a copy of the Bill. I think, therefore, that all those insinuations against the Hon'ble the Revenue Minister are wholly unworthy and extremely uncalled for.

Mr. NIHARENDU DUTTA MAZUMDAR: I oppose this motion, Sir, for circulation of the Bill——

Mr. SPEAKER: Just a word, Mr. Dutta Mazumdar, before you go on with your speech. You will remember that one of the grounds on which I have exercised my power in favour of permitting this Bill to be moved, even though many members objected to its introduction on the ground of their not receiving a copy of the Bill, is that no member should ascribe any motive in the course of the discussion. If, however, any motive is ascribed in discussing this motion, I feel that I should not be a party by any action of mine to jeopardise the position of any other member of this House. (Hear, hear.)

Mr. SURENDRA MOHAN MAITRA: May I make a personal explanation, Sir? If my speech in any way led anybody to think that I had imputed motives to anybody, I am really sorry, because it was farthest from my intention to do so. Sir, if the Hon'ble the Revenue Minister——

Mr. SPEAKER: You need not say anything more. As a personal explanation, it will suffice.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I do not propose to inflict a long speech on this House. I oppose the motion for circulation of the Bill to elicit public opinion on a very simple reason, which is this. We know that one of the important proposals in this Bill is to do away with the power of certificate procedure, which is a privilege of the Khas Mahal authorities, but which is now proposed to be extended to the landlords of this province. We find, Sir, that this question of certificate procedure has become a burning issue with this House, and when this simple provision is there to do away with this certificate procedure, I do not see what necessity there is to elicit further public opinion on this matter. I wish to pose one question before this House. When this certificate procedure was granted either to the Khas Mahals or to the zamindars, was public opinion elicited on this point? Was the power of issuing certificates granted to the khas mahal authorities and to the landlords with the opinion of the public and the verdict of the public on that point; or when this power was granted to the Court of Wards was that done with the opinion and approval of the raiyats and the tenants who live in the estates under the Court of Wards? I wish here, Sir, to make one point perfectly clear. I have myself had one occasion to see what havoc this certificate procedure is playing upon the poor agriculturists. I have seen certificates issued, and I have seen that in pursuance of those certificates ordinary domestic utensils have been attached, and the ordinary means of ploughing—plough-shares and cattle—have even been attached as a result of this certificate procedure. I have seen, Sir, a peasant with not more than 5 maunds of paddy in his house has had to lose the entire stock as a result of this certificate procedure. I have seen, Sir, ordinary household implements used for grinding spices into powder for cooking purposes, implements such as *sil* and *noda*, too, have been attached as a result of this certificate procedure. I had published in the papers an account, quoting the office reference number of certificates issued in the form of a statement. Of course, the Government's Press Officer issued the usual white-washing communiqué, but not a word of the statement uttered and issued to the public by me has ever been contradicted by Government. I find that this shameless procedure has been followed, only in the interest of one particular class, viz., the landlords,

when the landlords have got to realize, or the khas mahals for the matter of that have got to realize, their rent or arrears of rent from the tenants, no matter if it means ruin to the tenants. I think the House remembers the speech which was recently delivered by an honourable member of this House, I mean Mr. Shah Syed Golam Sarwar Hosaini, and there we got an account of the tyranny of the certificate procedure, which is being practised in khas mahal areas not to speak of zemindari estates. That speech has demonstrated —and I can bring my own personal knowledge to bear on the subject —that the khas mahal authorities and the Government have proved themselves absolutely unworthy of receiving any such prerogative and privilege of certificate procedure—far less to talk of extending this procedure to anybody else, who has not got it already. What this House, rightly speaking, should demand is the abolition of this certificate procedure. It should see that if the zamindars or the Government or the Court of Wards wish to realize any amounts as claims upon the poor tenants, they shall have to establish their claims as for other demands in the same way before the courts where the tenants too would get an opportunity of stating their case, and if they are unable to establish their claims no court should grant them any decree for the purpose of attaching their utensils, chattels, and cattle, and such other domestic belongings of the poor cultivators and tenants. From this standpoint I want to make it absolutely clear to the House that we unequivocally demand the abolition of this certificate power, and I do not see anything in this proposal for circulation which has been brought forward by Government, anything other than an intention simply to dodge this measure. If this power to issue certificates came into vogue, without popular opinion behind it, I do not see any reason why "public opinion" should be sought to be elicited when the abolition of this power is going to be considered. Then, again, if public opinion is to be considered at all, does not this House represent public opinion—to this degree at least as to say that the certificate power is absolutely condemned and disapproved of, and that this power should be abolished? Sir, if members of this House gave any pledge to their constituencies during the election time, to the poor peasants of Bengal, it was this: that no longer the oppression of the nature which was going on under the old regime should be allowed to be practised and such oppression would be obstructed by this House unequivocally. This House should be prepared to see that every oppressive measure should be opposed tooth and nail. And if on this question of opposing such measures the Ministry comes forward with this precious plea that the existence of the Ministry would be jeopardised thereby, then that Ministry deserves to be instantly destroyed,—a Ministry which tries to maintain its existence by the preservation of the old regime even at the expense of the poor tenantry of Bengal. It is, Sir, from this stand-point and with all the emphasis that I can command I would beg to submit to the

members of this House to consider this: that under the old regime autocracy prevailed, public opinion was never sought for, it was at that time that this absurd and atrocious procedure had come into operation. And now, without any further loss of time, we have to put an end to this. But if you allow months and months to pass by, if you allow this dilatory tactics to be adopted, then I think members who at all care for their pledges and who at all care for the sufferings which the peasantry are passing through, will have to face the odium of the fact and it will be rightly said of them that they are untrue to their pledges, that they have allowed themselves to be lured by considerations of party politics, by considerations of keeping the present Ministry into office, and it does not matter to them at all as to what happens to the poor peasantry of Bengal. This is a question, Sir, in respect of which we must not be guided by considerations of party politics or in the interests of the Ministry of the day. This is a question, Sir, which we have seen, has divided the House not on the basis of parties but on the basis of sharp and clear class interests. We have in this House seen members divided not on the basis of this party or that party—the Proja Party or any other party—we have seen this House divided on the basis of those honourable members who represent the vested interests, the interests of British Imperialism and the landed aristocracy fighting together as against the rest who champion the interests of the poor cultivators. If we could discuss the Bengal Tenancy (Amendment) Bill on the floor of this House without requiring it to be circulated for eliciting public opinion, if the Hon'ble the Chief Minister thought it fit to abandon the idea of referring the Bill to a Select Committee and agree under pressure of public opinion—and I say quite rightly—to consider the Bill outright, what prevents him now from doing so in the case of the present Bill? This is, perhaps, the only one instance in which Government appear to have shown some respect for the opinion of the public and the tenants of this country and I hope they will continue to show this respect in future. If he agreed under pressure of public opinion to take up the consideration of the Bengal Tenancy (Amendment) Bill immediately, then, Sir, looked at from the point of view of public urgency, there is no necessity to adopt or to allow any dilatory tactics to come in in the shape of a circulation motion. And if any amendments are to be moved by those who have the interest of the people at heart, then Government ought to be able to consider such amendments and reforms then and there. For they have had ample time to think over these problems. We all know, Sir, that not till the end of July did this Assembly meet, although the members were elected by January this year. We know, Sir, that ever since the 1st of April of this year public revenue is maintaining the new administration, a new Ministry, in office. If there was any justification for postponing a sitting of the Assembly till July, that might have been for preparatory work. If, Sir, no preparation was done on this question

of certificate procedure and other oppressive and tyrannous measures affecting the tenantry of this province, then, Sir, those responsible for the administration of the country have shown themselves to be absolutely unmindful of their responsibility. They have proved themselves unequal to the responsibility and the task which are reposed in them, and for that alone, I think, there should be no fear on their part in facing the consequences of this Bill. Those who have given their thought to the matter have done well to bring it forward.

Sir, the Bengal Tenancy (Amendment) Bill is a much more complicated affair, but the present Bill is a much simpler one. The question here relates to the interest of zemindars who have proved themselves incompetent; it relates to the interest of zemindars whose estates cannot be managed by themselves and who, therefore, must come under the protection of the Court of Wards. In this House, Sir, Bills have been moved with provisions relating to the methods of administration of the khas mahals, and from all these standpoints we see that, whether we touch the khas mahals, whether we touch the zemindars, whether we touch the land systems of this province to-day, there is no more any necessity for delaying these matters, and the earlier they are disposed of the better. Those honourable members who have taken the trouble of drafting Bills, initiating measures, for ameliorating the condition of the people, they have given enough thought to them, and if others have done that, it is now our business to apply our minds to those problems and acquaint ourselves with the provisions of those Bills and expedite the matters without delay.

Sir, honourable members of this House have been granted a monthly income of Rs. 150 per mensem plus allowances, and Ministers of Government have been given a guaranteed income of Rs. 2,500 to Rs. 3,000 per month, but even then they do not seem to realize that these questions brook no delay. The poor tenantry of Bengal cannot wait a minute longer. These delays mean absolute ruination to the peasants. They mean depriving the cultivators of their last stock of grain. They are also being deprived of the means of cultivation.

I may here refer, Sir, to what happened in Hatiya during the last year. Government came out with a communiqué that there was no distress, no famine there; that everything was all right, and quite peaceful and tranquil. But I say, Sir, that this peacefulness and tranquillity existed only in the brains of those who were responsible for the administration of that place at that time, and whose deliberate policy it was to mislead the country. But at the same time Rs. 25,000 was granted after the issue of a communiqué in order to provide agrarian loans to the distressed tenantry. I find that these deceptive measures were followed all along. In practice the present Government differs from the past administration only in this respect that the old Government had no pretence and it was avowedly, openly and honestly the

administration of the class interests of the imperialists and landlords who are sucking the life-blood of the tenantry. It is the duty of Government to expedite the measure and show that while they are anxious to make their salaries secure they are also not unmindful of the urgency of passing this measure in order to ensure the peasant a little portion of his food produced by his own toil, in order to ensure the means of his cultivation and in order to ensure—I will not cry *dal bhat*—even *noon bhat*, and not kicks from the administration at the head of which is the Hon'ble Mr. Fazlul Huq. From all these considerations I say that there is absolutely no necessity of further delaying this measure by moving this amendment. I therefore propose that the Bill be discussed now and here and on the merits of the case and from the standpoint of the interest of the Bengal peasantry and that all parties and elements who have the interest of the tenantry at heart should unite and leave aside the interests of those landlords and imperialists and of the blood-suckers and parasites who are out to destroy the tenantry.

(Here the member having reached the time-limit resumed his seat.)

Maulvi ABDUL BARI: It gladdens my heart to see that a new Christ has at last made his appearance in Bengal to preach the gospel of truth and love to the toiling masses that live on the face of Bengal to-day. Mr. Niharendu Dutta Mazumdar comes here to-day as the saviour of the toiling millions that live on this side of India. Mr. Niharendu Dutta Mazumdar, who promises big things, never knows what a village is. A man who has never travelled on foot and who has never travelled in mire and water, has come to teach the philosophy of village life. Mr. Niharendu Dutta Mazumdar accused the members on this side of the House for not working for the millions of the tenantry of Bengal but may I tell him that it is the members who are sitting on this side who have so long been crying for the masses and working for the amelioration of the condition of the masses. Now he is trying to invoke sympathy in the mind of the people. He is preaching love for the people, and that with a motive behind and the motive is to humiliate the Ministry. But he will never be able to do that.

I ask Mr. Dutta Mazumdar who is sitting with the Congress group, though he professed to be a labourite, though in the first speech that he made in this House he said that he represented not only the Christians, Muslims, the Hindus but he represented all the communities together, but I find him representing only one party, why he never votes with this side. That shows that what he preaches he does not practice, but he has no love for the masses and this is the man who has come to-day to teach to the people of this side of the House that they should have some feeling, some love, some sympathy for the people of Bengal but that sort of sympathy that sort of teaching will have no effect whatever on the public of Bengal.

I do not say that the amendment of the Public Demands Recovery Act is a desideratum which can be denied; there is no doubt about it that this Act oppresses the people, that this Act has been working hard on the people. We cannot deny that, but the way in which this amendment is brought is not the way to bring relief to the people. I will tell Maulvi Abu Hossain Sarkar that it will defeat its own cause. So I would ask him if he wants to do good to the people to withdraw his amendment and accept the amendment of the Hon'ble Sir B. P. Singh Roy (interruptions). Let him wait and hear the reasons. The reasons are weighty. This Act which is sought to be amended includes 9 sections. We have a sad experience in connection with the amendment of the Bengal Tenancy Act. We want to give relief to the people by passing that Act. But during the last four days we have not even done with four clauses. Does Maulvi Abu Hossain Sarkar think that in one hour he will be able to rush through all the 9 clauses——.

Rai HARENDRA NATH CHOUDHURY: Why not?

Maulvi ABDUL BARI: In four days we have not been able to deal with more than 4 clauses of the Bengal Tenancy Act. To-day is the last day for the consideration of non-official Bills. Does he expect that even if he gets another day he will be able to get through this Bill. The Bill will naturally fall through and defeat its object. I would advise him to withdraw his motion and accept the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy if he really intends to do some good to the people. But if his object is to stir up the imagination in the mind of the people, if his object is only to show to the people that he as their only friend is out to relieve their distress (Question!) then certainly his object will be fulfilled. But I say this is not the way to do that; it really shows that Maulvi Abu Hossain Sarkar does not wish to give relief to the people.

Mr. SASANKA SEKHAR SANYAL: Sir, yesterday you were pleased to give a ruling that when a particular member moves or speaks for a motion he cannot speak or vote against that. If I remember aright and if my memory does not fail me during the discussion of the budget Mr. Abdul Bari characterised the certificate power as a black spot in tenancy legislation. Is he now in order in speaking against this Bill?

Mr. SPEAKER: I think no point of order is necessary. I think I can at least expect that Mr. Sanyal knows the difference between a discussion on the budget and discussion on a piece of legislation. As such this ought to be the only answer to your point of order.

Maulvi ABDUL BARI: Mr. Sasanka Sekhar Sanyal has risen to interrupt me and remind me of the speech that I delivered at the time of the budget discussion. I admit that I characterised this Act as a black spot and even to-day I stick to that but the way in which you are going to amend the Act is not the proper way. Maulvi Abu Hossain Sarkar proposes that the arrears of rent should be taken away. I will go a step further and say that I want the whole Act to be repealed. It cannot be done in this way; it is going to meet half way; we want a wholesale change when the proper time comes. For this reason I am asking Maulvi Abu Hossain Sarkar to withdraw his motion. Maulvi Abu Hossain Sarkar referred in his speech to Mr. Fazlul Huq.

Mr. ABDUR RAHMAN SIDDIQI: Sir, you were good enough to give a ruling just now which has rather upset me. Is not the budget an act of this Legislature? I am rather disturbed.

Mr. SPEAKER: I do not think you need be disturbed. All I said was that there was a distinction between a budget discussion and a discussion on a legislation.

Maulvi ABDUL BARI: I was just saying something regarding the observations made by my friend Maulvi Abu Hossain Sarkar with regard to the Hon'ble Mr. Fazlul Huq. I will in one sentence give him a crushing reply: Maulvi Abu Hossain Sarkar will not be able to do in his whole life what Mr. Fazlul Huq has done in half an hour's time. It does not lie in the mouth of Maulvi Abu Hossain Sarkar to say that Mr. Fazlul Huq is going back on his pledges. Both Mr. Fazlul Huq and Sir Bijoy Prasad Singh Roy are doing very important and significant work. Unless there is confidence in the Ministry no work can be done. Maulvi Abu Hossain Sarkar by joining hands with the Congress is joining with a destructive body. I can proclaim before the country without fear of contradiction and without fear of protest that Maulvi Abu Hossain Sarkar by joininig with the Congress is killing the rights of the people and not doing any good work for the people. The Congress is trying for the ruination of the reforms and the ruination of the whole country. That is what the Congress is doing to-day. May I ask Maulvi Abu Hossain what he has got to do with Mr. Niharendu Dutta Mazumdar or for the matter of that with Mr. Maitra. None of them have done anything for the masses. Have the Congress provinces done anything as yet?

Dr. NALINAKSHA SANYAL: Certainly.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, will there be confusion or a discussion of the motion?

Dr. NALINAKSHA SANYAL: You are creating confusion.

The Hon'ble Mr. A. K. FAZLUL HUQ: You keep quiet.

Mr. SPEAKER: Order, order. If this sort of interruption goe on I shall have to adjourn the House.

(At this stage there was great uproar.)

The House was then adjourned for half an hour.

(*After adjournment.*)

Mr. SPEAKER: Before we proceed with the business of the hous it is my painful duty to draw the attention of the members to the fac that if there be interruptions while a member is speaking it become very difficult to carry on the normal proceedings of the House. Ex pressions were used by some members which are definitely unparlia mentary and to these my attention has been drawn. They shoul never have been used. I shall see that that part of the proceedings i expunged. From every point of view I request the members kindly not to interrupt a member when he is on his legs.

Maulvi ABDUL BARI: I have got only a few words to add to wha I have said. When I was interrupted I think I was referring to an comparing with the work that has been done by this province wit the work that has been done by the other provinces, namely, th provinces in which the Congress is ruling. I said and I do still repeat that Bengal has done by this time much more work than has been done by any other province of India. So far as the introduction of the Bengal Tenancy Amendment Bill is concerned I dare say and without any fear of contradiction that no other province has yet been able to take up that work of legislation. If my friends on the othe side will be pleased to refer to the news that was published in the "Amrita Bazar Patrika" and other newspapers only day before yesterday they will find that Pandit Govinda Ballav Pant, the Congress Chief Minister, said that it was not possible for the Government of the United Provinces to reduce the rent of the tenants. That shows how far the Congress Chief Minister of the United Provinces has been able to give relief to the people of the United Provinces, whereas Bengal has immediately taken the matter into consideration and passed some clauses which will give immediate relief to the people of Bengal. That shows the earnestness and zeal of the Bengal Ministry in giving relief to the people. I want to tell my friends on the other side that I have no faith in magic operations: I have no faith in miracles being perpetrated and I have no faith in Aladin's Lamp being brought again to the earth. We have come here for full five years and during

these five years we shall be able to fulfil the pledges that we have given to our electorates. We have taken up the task and have done something. If during this session of two months we finish all the ameliorative measures what are we going to do during the next four years? I believe that if Maulvi Abu Hossain Sarkar wants to draw his travelling allowance and daily allowance he must leave some work to be done during the next four years.

I might remind my friends on the other side that they themselves said on the floor of the House in connection with the discussion of the Bengal Tenancy Amendment Bill that nothing should be done in haste, nothing should be done in a hurry and nothing should be done in a spirit which may lead us to a great catastrophy in the future. Therefore, Sir, so far as this Act is concerned I will tell them that there is no hurry about it. Moreover, the amendment of the Hon'ble Sir Bijoy Prosad Singh Roy only says that public opinion should be elicited by the 1st of January, 1938. That is to say, that we have to wait only for 3 or 4 months and nothing more than that and after that I may tell my friend who has moved this amendment that at that time if I live and be a member of this House I will go a step further than him. I will not only ask for the repeal of that section which includes arrears of rent but I will also include in that Act money decrees as well as decrees by which the District Boards, by which the Government and by which the certificate holders execute the decrees. Therefore if the people of Bengal could wait for so many years and if they could bear all the oppression for so many years they can wait for another 3 or 4 months and if by that time we find that this Act has not been repealed or that something has not been done to help the people then we will certainly bring in a resolution that will give relief to the people of Bengal. I submit that there is another strong reason for circulation. It has been stated by many members of this House that the Bill was not circulated and as many as 60 members did not get copies. Is it fair, equitable and honest to rush the Bill through without giving the members an opportunity to go through the provisions of the Bill? Therefore, Sir, on all these grounds I should think that it is only right and reasonable that the Bill should be circulated for eliciting public opinion.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, may I put in a word of personal explanation?

Mr. SPEAKER: I do not think any personal explanation is necessary.

Mr. NIHARENDU DUTTA MAZUMDAR: I should like to explain because the first part of Maulvi Abdul Bari's speech was exclusively devoted to myself.

Mr. SPEAKER: Personal statements should arise only when there a misunderstanding. I do not find anything in the nature of isunderstanding.

Mr. NIHARENDU DUTTA MAZUMDAR: I only took the shower his venom.

Maulvi RAJIBUDDIN TARAFDAR: (The member spoke in engali of which the following is an English translation.) Sir, I beg move, by way of amendment, that the Bengal Public Demands ecovery (Amendment) Bill, 1937, be circulated for the purpose of iciting public opinion thereon by the 15th November 1937.

There are reasons why I hold that public opinion should be con-lted about this Bill. I would have certainly supported it if these oints had not suggested themselves to me. I have all along opposed e practice of collecting rents by means of "Certificates". I do fully preciate that severe hardships are caused to the tenants by this process collection. But I cannot persuade myself to believe that my friend r. Abu Hossain Sarkar wants the abolition of the system of issuing rtificates. We are not aware whether his Bill contains any proposal abolish it or to perpetuate it. Considering how Mr. Sarkar and the embers of his party have been doing harm to the tenants in the name serving their interests, my doubts have been confirmed that it (Bill) ll do the tenants no good. Besides the manner in which Mr. Abu ossain Sarkar and the members of his party are hob-nobbing with the ngress Party and the anxiety which the members of the Congress rty in their turn are exhibiting about the Bill confirm me in my lief that the Bill contains no provisions beneficial to the tenants. r, it was this Congress Party, who in 1928 caused the Tenancy Act be amended to the severe detriment of the tenants. (Here a voice m the Congress Bench spoke out—Mr. Tarafdar for obtaining nomi-tion to the District Board is supporting the action of the Ministers.) . Tarafdar went on—I do not care a fig for the District Board nomi-tion. For the good of the tenants I may unhesitatingly sacrifice all worldly interests. Mr. Abu Hossain Sarkar has begun to shed codile tears over the question of abolishing the system of issuing tificates. Let me give only one proof that he does not want it. A years ago within the area of Mr. Abu Hossain Sarkar, zamindars gan committing terrible oppression while collecting rents by means the issue of certificates. At that time a Hindu tenant unable to ar the oppression committed suicide. When the news reached me I at to the spot and organised a protest meeting. Many of the aders and muktears of Gaibandha assisted me in that business. But shadow of Mr. Abu Hossain could even be seen then. The fact that . Sarkar is now opposing the system of issuing certificates has raised

suspicion within me that he has some motive. (At this stage when Mr. Abu Hossain rose to say something, he was prevented from doing so by the Hon'ble Speaker.) Does he not know that as a result of the efforts of the Coalition Group Government have agreed to do away with this system? If he knows that, why then this attempt? Is he not aware that without the help of the Coalition Group there is no possibility of any motion being passed by this Assembly? (Loud cheers from the Coalition Benches and protests from the Congress Party.) The opportunity to test the truth of my statement will be arriving just now. I see with the eyes of a prophet that the pride of my friend will be humbled to dust in five minutes. When this Amendment Bill will be put to vote the extent of strength and powers of the Coalition Group will be realised. I request my friend Mr. Sarkar to give up this unjustifiable *zid* of his. Let him give opportunities to the members to introduce their Bills. Those Bills are in many respects far better than Mr. Sarkar's. They will help to reduce the rates of rent and free the tenants from their debts and do them many other services, which I have no time now to enumerate at length. If the time at our disposal is squandered in discussing an insignificant subject like this, at least some five Bills which the members have taken great pains to draft will be spoilt. I do therefore request Mr. Abu Hossain Sarkar to put off the consideration of his Bill till 1st January next.

Mr. ATUL KRISHNA GHOSE: May I rise on a point of order, Sir. May I remind you, Sir, that when Mr. Jalaluddin Hashemy imputed to that particular gentleman that he was canvassing on behalf of some party to get nomination to the District Board you objected to it. Now that very gentleman is imputing motives and perhaps the worst possible motive not only on a particular individual member but on parties together. Is it proper and in order?

Mr. SPEAKER: I have not yet found any attribution of motive.

While Maulvi Rajibuddin Tarafdar was speaking in support of the motion for circulation of the Bill for eliciting public opinion, an interruption was made by a member on the Congress side.

Mr. SPEAKER: Mr. Chakrabarti, I am sorry that you interrupted the proceedings of this House.

Mr. NARENDRA NARAYAN CHAKRABORTY: Sir, that was helpful.

Dr. NALINAKSHA SANYAL: May I move, Sir, that the question be now put?

Maulvi ABDUL LATIF BISWAS: May I also move, Sir, that the question be now put?

Mr. SPEAKER: The closure motion has been moved by two members, viz., Dr. Sanyal and Maulvi Abdul Latif Biswas. I think the subject has been sufficiently debated on and it is for the House to decide whether the motion should be accepted.

Then, the motion that the question be now put was put—and agreed to.

Then the motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1938, was put and a division taken with the following result:—

AYES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid Shah, Maulvi.
Abdul Jabber Palwan, Mr. Md.
Abdul Kader, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-AL Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Amir Ali, Md. Mia.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Ara Khanam, Begum.
Fazlul Haq, the Hon'ble Mr. A. K.
Fazlur Rahman, Mr.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Mr.
Jalaluddin Ahmad, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Moslem, Ali Meliah, Maulvi.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Mohammed Ali, Khan Bahadur.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Solaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Murtuja Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Sris Chandra, of Kasimbazar.
Nasaruliah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.

Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Kumar Shib Shekhareswar.
Ray, Mr. Dhananjoy.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsul Huda, Maulana.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Stevens, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi.
Waliur Rahman, Maulvi Kazi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yousuf Mirza.

NOES.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Aftab Ali, Mr.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Shibnath.
Bannarjee, Mr. Manoranjan.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Deiul, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Mazumdar, Mr. Birendra Nath.
Mai, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Mukherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A. M. A.

The Ayes being 105 and Noes 63, the motion was carried.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. ASIMUDDIN AHMED: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. ASIMUDDIN AHMED: I beg also to move that the said Bill be taken into consideration.

(The member spoke in Bengali. While he was in possession of the House, Khan Bahadur Mohammed Ali raised the point that his group did not receive copies of the Bill.)

Mr. SPEAKER: I should like that those members who have no received copies of the Bill to stand up in their places.

(Several members stood up.)

Mr. SPEAKER: I am afraid I have to rule this Bill out of orde because it has not been circulated. In spite of my warnings I hav just found that expressions like "dilatory tactics" and "dodging" hav been used even though on the last motion some of the members made i clear that they wanted time to consider it. In view of that I fee that my discretion should not be exercised in a manner which migh create a similar situation.

The Bengal Fixation of Wages Bill, 1937.

Mr. SIBNATH BANERJEE: I beg to move for leave to introduc the Bengal Fixation of Wages Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi AZHAR ALI: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Medical (Amendment) Bill, 1937.

Maulvi TAMIZUDDIN KHAN: I beg to move for leave to introduc the Bengal Medical (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Revenue Sales (Amendment) Bill, 1937.

Mr. SYED ABDUL MAJID: I beg to move for leave to introduc the Bengal Revenue Sales (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Agriculture Debtors (Amendment) Bill, 1937.

Maulvi JONAB ALI MAJUMDAR: I beg to move for leave to introduce the Bengal Agriculture Debtors (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi MUHAMMAD ISRAIL: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Fisheries Bill, 1937.

Mr. NARENDRA NATH DAS GUPTA: I beg to move for leave to introduce the Bengal Fisheries Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. SPEAKER: I may settle the question of procedure in a matter like this. It is perfectly open to you to introduce the Bill but the other portions should be governed by the previous decision.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. RAMIZUDDIN AHMED: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. SHAH SYED GOLAM SARWAR HOSAINI: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi AFTAB HOSSAIN JOARDAR: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi MD. ABDUL JABBAR PALWAN: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi ABDUL WAHAB KHAN: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Money Lenders (Amendment) Bill, 1937.

Maulvi RAJIBUDDIN TARAFDAR: I beg to move for leave to introduce the Bengal Money Lenders (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Shop Controlling Bill, 1937.

Mr. ATUL KRISHNA GHOSE: I beg to move for leave to introduce the Bengal Shop Controlling Bill, 1937.

The Secretary then read the short title of the Bill.

The Calcutta Municipal (Amendment) Bill, 1937.

Mrs. HASINA MURSHED: I beg to move for leave to introduce the Calcutta Municipal (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. ABDULLA-AL MAHMOOD: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal State Provision Bill for Veterinary Hospitals and Stud Bull, 1937.

Khan Bahadur MOHAMMED ALI: I beg to move for leave to introduce the Bengal State Provision Bill for Veterinary Hospitals and Stud Bull, 1937.

The Secretary then read the short title of the Bill.

The Bengal Court of Wards (Amendment) Bill, 1937.

Mr. MANMATHA NATH ROY: I beg to move for leave to introduce the Bengal Court of Wards (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. MANMATHA NATH ROY: In accordance with the same procedure adopted in regard to the other Bill which has been sent for circulation, I take it that this Bill will form part of that Bill.

Dr. NALINAKSHA SANYAL: Is it permissible for me to move this motion? I have had the member's previous permission.

Mr. SPEAKER: In this I am perfectly satisfied that I shall not ordinarily give permission but there might be circumstances in which a member's absence was unavoidable I ought and I may allow the motion to be moved. If the member had informed me beforehand of his absence, and if I thought it necessary I might allow you to move the motion. As a matter of fact, the member did not inform me of his absence and I cannot allow you to move his motion.

The Bengal Money-lenders (Amendment) Bill, 1937.

Maulvi ABDUL HAKIM: Mr. Speaker, Sir, I beg to move for leave to introduce the Bengal Money-lenders (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

A Bill to make provision for hours of work, 1937.

Mr. SIBNATH BANERJEE: Sir, I beg to move for leave to introduce a Bill to make provision for hours of work, 1937.

The Secretary then read the short title of the Bill.

The Bengal Homeopathic Faculty Bill, 1937.

Mr. P. BANERJI: I beg to move for leave to introduce the Bengal Homeopathic Faculty Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. P. BANERJI: I also beg to move that the said Bill be taken into consideration.

The Hon'ble Maulvi SYED NAUSHER ALI: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March 1938.

Mr. P. BANERJI: I am prepared to accept it, Sir.

The amendment was put and agreed to.

The Bengal Dentist Bill, 1937.

Dr. NALINAKSHA SANYAL: May I on behalf of Mr. Hashemy move for leave to introduce his Bill? He asked me to move this Bill as he would not be able to be present.

Mr. SPEAKER: Well, if Mr. Hashemy had explained to me that he would not be able to be present I would certainly have given him permission to ask anybody else to move it.

Dr. NALINAKSHA SANYAL: May I not move even the first part only?

Mr. SPEAKER: I am very sorry, Dr. Sanyal, I cannot allow you to do so in the circumstances I have mentioned.

The Bengal Money Lenders (Amendment) Bill, 1937.

Maulvi MIRZA ABDUL HAFIZ: Sir, I beg to move for leave to introduce the Bengal Money Lenders (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Court of Wards (Amendment) Bill, 1937.

Maulvi ABU HOSSAIN SARKAR: I beg to move for leave to introduce the Bengal Court of Wards (Amendment) Bill, 1937.

Kumar SHIB SHEKHARESWAR ROY: I have not got a copy of the Bill, Sir.

Maulvi ABU HOSSAIN SARKAR: But I am not going to move the second part; I shall be content with the first part.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi RAJIBUDDIN TARAFDAR: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal (Rural) Primary Education (Amendment) Bill, 1937.

Mr. MD. ABDUL JABBAR PALWAN: Sir, I beg to move for leave to introduce the Bengal (Rural) Primary Education (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Local Self-Government and Village Self-Government (Amendment) Bill, 1937.

Maulvi AFTAB HOSAIN JOARDAR: I beg to move for leave to introduce the Bengal Local Self-Government and Village Self-Government (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. ATUL CHANDRA KUMAR: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Agricultural Debtors (Amendment) Bill, 1937.

Maulvi MUHAMMAD ISRAIL: Sir, I beg to move for leave to introduce the Bengal Agricultural Debtors (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. IDRIS AHMED MIA: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Jute Bill, 1937.

Mr. SPEAKER: Sanction of the Governor has not been received and therefore it cannot be moved.

The Bengal Jute Bill, 1937.

Mr. SPEAKER: Sanction of the Governor has not been received and therefore it cannot be moved.

The Bengal Court of Wards (Amendment) Bill, 1937.

Mr. RASIK LAL BISWAS: Sir, I beg to move for leave to introduce the Bengal Court of Wards (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Wakf (Amendment) Bill, 1937.

Maulvi TAMIZUDDIN KHAN: I beg to move for leave to introduce the Bengal Wakf (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. It seems that many Bills have been moved regarding the Bengal Wakf Act which are all identical in character. If you permit the introduction of identical Bills over and over again, the result will be that we should have unnecessary publication in the "Calcutta Gazette" of the same and identical thing and this will involve expenditure not only in printing but also in circulating them: will that be justified?

Maulvi ABUL HASHIM: May I also rise on a point of order, Sir? You have been pleased to say that if a member stands up in his seat and says that he has not received a copy of a Bill, you will take it that he has not received it; will it be necessary in future to send the Bill in a registered packet and the acknowledgment receipt thereof produced before you just to prove that we have received it?

Mr. SPEAKER: That will do. I have understood your point. This matter will be considered very carefully by me later on and a circular letter will be issued to the hon'ble members regarding the produce to be observed in this connection.

As regards the point of order of Dr. Sanyal, it is not my business to consider whether expenses are incurred or not. So long as members

choose to introduce Bills, 50 or 100 or more, that may be identical in nature, I am bound to follow the Parliamentary convention to allow them to be moved. At the introduction stage I cannot stand in the way but action may be taken with regard to them at the next stage.

Maulvi ABDUL HAKIM: May I rise on a point of order, Sir? When No. 155 was reached, I was urgently engaged outside the Chamber. May I therefore not get an opportunity of moving my Bill?

Mr. SPEAKER: By no stretch of imagination can it be said that when a member goes outside the Chamber on an urgent necessity that matter can be raised as a point of order!

Dr. NALINAKSHA SANYAL: Sir, may I submit that it is the Parliamentary convention to pass over a Bill if there is a reasonable cause for postponing it for some time?

Mr. SPEAKER: Well, I have not passed it over for good; the member will get a chance for moving it after all the Bills have been disposed of.

Maulvi TAMIZUDDIN KHAN: I beg to move that the said Bill be taken into consideration.

Amendment.

Maulvi RAJIBUDDIN TARAFDAR: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1937.

Maulvi TAMIZUDDIN KHAN: I am prepared to accept the amendment.

The motion was put and agreed to.

The Bengal Tobacco Repeal Bill, 1937.

Mr. PRAMATHA NATH BANERJEE: Sir, I beg to move for leave to introduce the Bengal Tobacco Repeal Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. P. BANERJI: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise on a point of order with regard to motion No. 289 moved by Mr. Pramatha Nath Banerjee regarding the Tobacco Repeal Bill. May I point out that this Bill cannot be introduced without the sanction of His Excellency the Governor under section 82(*1*) of the Government of India Act?

Mr. SPEAKER: I think this point of order should have been raised immediately after Mr. Banerjee had moved his motion. I could have then considered your point of order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I may have been a little late in drawing your attention to this but is not the introduction in view of these circumstances altogether illegal or *ultra vires?*

Mr. SPEAKER: I hope, Sir Bijoy, you realise that under section 82(*1*) of the Government of India Act it is only when imposition or increase of a tax is contemplated that the sanction of the Governor is required; in the case of repeal no sanction is necessary. Can you point out any rule to the contrary? (Pause.) Are you quite satisfied, Sir Bijoy?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am looking into the point, Sir.

Mr. SPEAKER: With regard to motion No. 292 it will require the sanction of the Governor under section 82(*3*) of the Government of India Act. Is it any use at this late stage of to-day's sitting to move that the Bill be taken into consideration, Mr. Banerji? (SEVERAL MEMBERS: We have not got copies too.) Apart from that, I want to know from Mr. Banerji if he thinks it will be useful at this stage to move it.

Mr. P. BANERJI: No, Sir, I do not move it.

Kumar SHIB SHEKHARESWAR ROY: With regard to motion No. 291 may I rise on a point of order, Sir? Mr. Banerji has moved for leave to introduce the Bengal Tenancy (Amendment) Bill, but it interferes with the right of the zamindars in the matter of land and as such it requires the previous sanction of the Governor.

Mr. SPEAKER: Can you point out the section under which this sanction is necessary?

Kumar SHIB SHEKHARESWAR ROY: Yes, Sir. Under section 299(*3*) of the Government of India Act, read with rule 66 of the Bengal Legislative Assembly Rules.

Mr. SPEAKER: I will enquire if sanction has been given.

Kumar SHIB SHEKHARESWAR ROY: But we have not seen any.

Mr. SPEAKER: I think that the procedure that I would like to observe in view of the point which has been raised by the Kumar Sahib is that, in order to economise time, that those Bills regarding tenancy legislation amendment may be moved but that if subsequently it is found that they are *ultra vires* I would rule them out of order. That perhaps will be the simplest course. Hon'ble members will be able to have information about this from the Assembly office.

The Bengal Emergency Rent Reduction Bill, 1937.

Mr. MD. ABDUL JABBAR PALWAN: Sir, I beg to move for leave to introduce the Bengal Emergency Rent Reduction Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Wakf (Amendment) Bill, 1937.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move for leave to introduce the Bengal Wakf (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Village Self-Government (Amendment) Bill, 1937.

Maulvi ABDUL HAKIM: Sir, I beg to move for leave to introduce the Bengal Village Self-Government (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. SPEAKER: Mr. Rasik Lal Biswas's Bengal Jute Bill cannot be moved as the sanction of the Governor has not been received.

The Bengal Tobacco (Amendment) Bill, 1937.

Maulvi RAJIBUDDIN TARAFDAR: Sir, I beg to move for leave to introduce the Bengal Tobacco (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Shop Controlling Bill, 1937.

Mr. MANORANJAN BANNERJEE: Sir, I beg to move for leave to introduce the Bengal Shop Controlling Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Maulvi JONAB ALI MAJUMDAR: Sir, I beg to move for leave o introduce the Bengal Tenancy (Amendment) Bill, 1937.

Kumar SHIB SHEKHARESWAR ROY: On a point of order, Sir. make the same objection as before.

Mr. SPEAKER: I will consider all your points of order in connection with motions affecting tenancy legislation.

The Secretary then read the short title of the Bill.

A Bill to make provision for insurance against unemployment, 1937.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I may inform the ıouse that His Excellency the Governor has refused permission to the ıtroduction of this Bill.

Mr. SIBNATH BANERJEE: We know nothing of this refusal, ir. No refusal has been communicated to me.

Mr. SPEAKER: In any case it has been communicated now to the ouse by the Hon'ble Minister in charge.

The Bengal Jute Bill, 1937.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move for leave introduce the Bengal Jute Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Local Self-Government (Amendment) Bill, 1937.

Mr. P. BANERJI: Sir, I beg to move for leave to introduce the ngal Local Self-Government (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. P. BANERJI: I also beg to move that the said Bill be taken into consideration.

The Hon'ble Maulvi SYED NAUSHER ALI: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1938.

Mr. P. BANERJI: I am prepared to accept the amendment, Sir.

The motion was put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. RASIK LAL BISWAS: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Agricultural Debtors (Amendment) Bill, 1937.

Maulvi RAJIBUDDIN TARAFDAR: Sir, I beg to move for leave to introduce the Bengal Agricultural Debtors (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Local Self-Government and Village Self-Government (Amendment) Bill, 1937.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move for leave to introduce the Bengal Local Self-Government and Village Self-Government (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. SIBNATH BANERJEE: Sir, I beg to move for leave to ntroduce the Bengal Tenancy (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Adi Ganga Improvement Bill, 1937.

Mr. P. BANERJI: Sir, I beg to move for leave to introduce the di Ganga Improvement Bill, 1937.

The Secretary then read the short title of the Bill.

The Bengal Jute Bill, 1937.

Mr. SPEAKER: This Bill cannot be moved as the previous sanction of the Governor has not been obtained.

Khan Bahadur MOHAMMED ALI: On a point of information, Sir. You were pleased to allow Mr. P. Banerji to move for the consideration of his Bill and it was thereafter circulated for public opinion whereas you did not allow me to do so in connection with my motion No. 219.

Mr. SPEAKER: But as a matter of fact you did not rise in your seat at that time. I called your name all the same.

Khan Bahadur MOHAMMED ALI: I am prepared to move my consideration motion and if it is objected to I am ready to accept the circulation motion if moved against my motion.

Mr. SPEAKER: I am very sorry that cannot be done now.

The Bengal Tenancy (Amendment) Bill 1937.

Maulvi ABDUL HAKIM: Sir, may I now draw your attention to my motion No. 155 regarding the Bengal Tenancy Amendment Bill, to which I referred a shortwhile ago? May I move it now? It is only for introduction.

Mr. SPEAKER: All right.

Maulvi ABDUL HAKIM: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1937. I do not move No. 156.

The Secretary then read the short title of the Bill.

Mr. SPEAKER: Before I close I might say at this stage that in so far as the Bengal Tenancy Amendment Bills are concerned which have been introduced, the point of law will be examined and if they are found to have been admitted without sanction will take necessary steps later on.

Mr. SYED HASAN ALI CHOWDHURY: May I with your permission, Sir, be allowed to move the Bill that stands in the name of Mr. Shamsuddin Ahmed, I mean the Bengal Local Self-Government and Village Self-Government (Amendment) Bill, 1937? Mr. Shamsuddin Ahmed has been ill for a long time, and he has asked me to move his Bill with your permission.

Mr. SPEAKER: I am sorry I cannot allow you to do so. As you know, I have given my ruling on this point already.

The Bengal Medical (Amendment) Bill, 1937.

Babu KHAGENDRA NATH DAS GUPTA: Sir, I beg to move for leave to introduce the Bengal Medical (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

Mr. SPEAKER: Many requests have been made to me by honourable members to be allowed to move motions standing in the name of other members. In this connection my ruling definitely is that if a member is absent owing to unavoidable circumstances and if he explains that to me either by letter or personally, I shall be quite prepared to consider whether I should give him an opportunity of moving his motion afterwards or whether I should allow any other member to move it. But I do not think it fair to deprive other members of the advantages which might result on account of the absence of a member or members and also of the advantage of the ballot.

I will now adjourn the House, till 4-45 p.m., on Monday, the 20th September, 1937.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 20th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 20th September, 1937, at 4-45 p.m.

Present:

Mr Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 217 members.

STARRED QUESTIONS

(to which oral answers were given)

Employees of the Inland Steamer Services.

***171. Mr. SIBNATH BANERJEE:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether—

(1) the employees of the Inland Steamer Services have long-standing grievances;

(2) the employees formed a registered union named River Steam Navigation and India-General Navigation and Railway Companies' Workers' Union;

(3) this union applied to Government under the Trade Unions Act for Board of Conciliation;

(4) this union was declared illegal by Government;

(5) the employees then formed another union named Inland Steam Navigation Workers' Union;

(6) the Registrar refused to register the union;

(7) the union applied to the Hon'ble High Court against the Registrar;

(8) the Hon'ble High Court gave its verdict in favour of the union;

(9) the union was then registered;

(10) the union approached the River Steam Navigation and Company and India General Steam Navigation and Railway Company for recognition of the union;

(11) on the refusal of the companies to recognise their union the employees of these companies gave a notice that unless their union be recognised they would not work more than twelve hours a day;

(12) on getting a negative reply the employees refused to work overtime, i.e., beyond the period between 6 a.m. to 6 p.m.;

(13) as a result there was a strike and the employees were dismissed about 400 in Calcutta *ghats* and several hundreds each in Barisal, Sonachora and Digha;

(14) the Government was approached by the union several times for a settlement of the dispute;

(15) the Government did not do anything in the matter;

(16) the Company dismissed all strikers;

(17) this is not unprecedented in the history of labour movement in India or elsewhere;

(18) it is a fact that the victimised strikers have been deprived of retiring bonus and company's contribution in the provident fund;

(19) the company held that refusal to work overtime after due notice was to be considered as misconduct;

(20) the company held that non-attendance to work was also to be considered misconduct;

(21) the arbitrator appointed by the company has the final say in this matter;

(22) the arbitrator held that refusal to do overtime work after due notice and even non-attendance is to be considered misconduct; and

(23) on the flimsy ground of such misconduct, nearly a lakh of rupees belonging to the employees have been forfeited by the company?

(24) Will the Hon'ble Minister immediately take steps to remedy such gross injustice?

(25) Will the Hon'ble Minister amend the Provident Fund Act so that such legal fraud may not be possible?

(26) Will the Hon'ble Minister appoint a Board of Enquiry under the Trade Disputes Act and thoroughly enquire into the long-standing suffering of the employees of Inland Steamer Services?

(27) If the answer to No. 26 is in the negative, will the Hon'ble Minister be pleased to state the reasons?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (1) I have no knowledge if the employees referred to have any grievances, or if they are of long-standing duration.

(2) Such a union was registered.

(3) An application was made under the Trade Disputes Act, 1929, on the 6th March, 1935, at a time when the union had been declared unlawful.

(4) Yes.

(5) The union which had been declared unlawful was registered under the new name referred to in the question.

(6) to (10) Yes.

(11) I understand that the union gave notice that if it was not recognised, the employees would not work overtime. The normal working hours was eight hours a day and not twelve hours.

(12), (13) and (16) On the 13th February, 1936, only three clerks and one duftry refused to work overtime, i.e., beyond the period between 10 a.m. and 6 p.m. and not between 6 a.m. and 6 p.m. as stated in the question under reply. The next day two more clerks and one duftry refused to work overtime. These men were dismissed from service and a request for their reinstatement was refused. By the 2nd March, 318 persons had struck work altogether. Their places were filled by old employees who had been retrenched and by new hands. The workshop staff at Digha and Sonachora struck work on the 12th March and 2nd April, respectively. On the 7th April a large number of the Barisal workshop staff also came out, but most of them returned to work almost immediately. Those of the strikers who sought re-employment were re-employed and new hands were engaged to fill in vacancies after waiting for some time.

(14), (15), (26) and (27) An informal application was sent in by an Advocate, who was asked by Government to make an application in the prescribed form, but this was not done. I have also received a printed representation, and I immediately instituted enquiries into the allegations. At present no trade dispute appears to exist.

(17) I have no knowledge. Strikers having been dissuaded by the union from joining and not having joined when opportunities were given to them to rejoin, the Steamer Companies have employed persons on the distinct understanding that they would be permanently employed if they proved suitable. According to the Steamer Companies they have not only proved suitable but have served loyally in spite of very violent picketing resorted to by some of the strikers; and the Steamer Companies are not prepared to dispense with their services.

(18), (19), (20) and (22) I gather so from some papers sent by the hon'ble member to my department.

(21) It is a question of legal opinion.

(23) I have no knowledge: and I am not prepared to offer any opinion as to whether the ground is flimsy or otherwise.

(24) Does not arise.

(25) No. I am not aware that any legal fraud has been perpetrated. I understand from the hon'ble member that the Hon'ble High Court has upheld the decision of the arbitrator.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the present Government's policy with regard to such labour disputes?

The Hon'ble Mr. H. S. SUHRAWARDY: My policy with regard to labour disputes in general has been outlined in various speeches and if an opportunity had been given to me during the last budget discussion to frame and advance my policy I would have done so. I do not understand what the honourable member means with regard to such labour disputes, as in my opinion no labour disputes at present exist.

Dr. NALINAKSHA SANYAL: With regard to answer (*3*) will the Hon'ble Minister be pleased to state whether the Government desire to continue the policy of declaring unions unlawful when the employers do not find the unions suitable for them?

The Hon'ble Mr. H. S. SUHRAWARDY: That is a hypothetical question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the union has been declared unlawful before the application was made under the Trades Disputes Act or after that?

The Hon'ble Mr. H. S. SUHRAWARDY: I would ask the honourable member to read the answer once more.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*3*), viz., an application was made under the Trades Disputes Act, 1929, on the 6th March, 1935, at a time when the union had been declared unlawful, will the Hon'ble Minister be pleased to state whether the union was actually declared unlawful after the application was received or before the application was received.

The Hon'ble Mr. H. S. SUHRAWARDY: I think it is quite plain in the answer.

Mr. NIHARENDU DUTTA MAZUMDAR: It is a very plain question—whether the union has been declared unlawful before or after the application was made. The answer ought to be a categorical one.

The Hon'ble Mr. H. S. SUHRAWARDY: I give credit to the honourable member for sufficient knowledge of the language to understand the answer which I have given.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he is completely in the dark or whether he wishes to withhold this information?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know the precise date. But the answer has already been given.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what were the reasons for Government not setting up machineries under the Trades Disputes Act in view of what the Hon'ble Minister has said in his reply?

The Hon'ble Mr. H. S. SUHRAWARDY: Because the union had been declared unlawful.

Mr. NIHARENDU DUTTA MAZUMDAR: I must point out, Sir, that this is no answer to my question. My question is—will the Hon'ble Minister be pleased to state in view of what he has said about a large number of trade disputes, why Government did not set up the machinery under the Trades Disputes Act to settle the disputes which were going on?

The Hon'ble Mr. H. S. SUHRAWARDY: Government did not consider them to be trade disputes. It was merely an agitation carried on by certain persons who were misleading the poor labourers and getting them dismissed. The agitation did not come under the category of trade disputes.

Mr. NIHARENDU DUTTA MAZUMDAR: Does the Hon'ble Minister admit that there was a prolonged strike and a large number of persons had been dismissed and the question of hours of work and overtime and things like that were involved and in view of that does not the Hon'ble Minister think that there was a situation when Government might have appointed a machinery under the Trade Disputes Act and what was the reason for not doing so?

The Hon'ble Mr. H. S. SUHRAWARDY: None of these items were involved. What was involved was that the union was trying to force the employees to recognise the union whose aims and objects were unlawful.

Dr. NALINAKSHA SANYAL: With regard to answers (*14*), (*15*), (*26*) and (*27*), will the Hon'ble Minister be pleased to state what was the result of his enquiries, what were his findings and what steps were taken on those findings?

The Hon'ble Mr. H. S. SUHRAWARDY: I made enquiries and arrived at the conclusion that no trade dispute appears to exist.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the same policy will be adopted by the present Government as was done by the past Government in the event of a trade dispute?

The Hon'ble Mr. H. S. SUHRAWARDY: It is difficult to follow what policy he is referring to; but if he means that the Trades Disputes Act is not to be applied in the case of trade disputes I do not admit that that has been the policy of Government either in the past or in the present or will be in the future.

Government grants-in-aid to school and madrassas.

***172. Maulvi ABDUL BARI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that Government grant-in-aid below Rs. 100 sanctioned to schools and madrassas is renewed every year; and

(*ii*) that such a course causes unnecessary anxiety and troubles to the Managing Committee?

(*b*) Will the Hon'ble Minister be pleased to state whether he would consider the desirability of sanctioning the said grant-in-aid for a term of 3 years to schools and madrassas?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes.

(*ii*) Yes, but in many cases the trouble is due to the failure of Managing Committees of schools to submit applications for renewal of grants in due time.

(*b*) Yes.

Maulvi MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether he is aware that there are schools and madrassas which do not get Government grants-in-aid and scholarships and will he see that some consideration are shown to these schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: Oh yes.

Maulvi ABDUL BARI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state or give us an approximate idea of the time when these grants-in-aid rules are going to be changed?

The Hon'ble Mr. A. K. FAZLUL HUQ: The matter is being considered by the Director of Public Instruction. It is very difficult to give an exact idea, but we hope before the end of this year we will be able to come to a decision.

Clerks and ministerial officers of Midnapore Settlement operations.

***173. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) how many clerks and ministerial officers will be actually thrown out of employment as a result of postponement of the Midnapore Revisional Settlement operations;

(*ii*) when are these people actually going to be discharged; and

(*iii*) whether Government are considering the desirability of providing them in other departments of Government to prevent growth of unemployment?

(*b*) If the reply to clause (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state how many or all of them are likely to be thus absorbed?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) 1,747.

(*ii*) They will be discharged in batches from now.

(*iii*) Yes, as far as possible, but it will be difficult to provide for more than a small proportion.

(*b*) The matter is being examined.

Process-servers' returns.

***174. Mr. ANUKUL CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) the number of process-servers in the 24-Parganas; and

(*ii*) the number of them that have been warned, fined, suspended or otherwise punished for submitting false returns or other misconduct?

(*b*) Is there a rule of verification of the returns of the process-servers?

(*c*) If so, in how many cases have the returns been found to be false for the last 3 years?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) Permanent 234, and temporary 23.

(*ii*) 189.

(*b*) Yes. Rule 116 of the Hon'ble High Court's Civil Rules and Orders, Volume I, Chapter 3, page 29.

	1934.	1935.	1936.
(*c*) Number of cases verified ...	27	16	10
Number of cases found false ...	7	12	7

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state what steps the Government intend to take in the case of so many offenders?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Government are seriously considering the position of the existing process-servers for whom this House has shown so great anxiety. It may happen that Government will have to dismiss half of this number and have better class of people recruited for the other half.

Detenu Sj. Dhirendra Nath Sen.

***175. Mr. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact that the mother of Sj. Dhirendra Nath Sen, B.A., arrested at Barisal on the 14th December, 1931, and at present kept interned at Sandeshkhali, made repeated petitions for the release of her son or for the provision of six members of his family dependent upon the income of the said Dhiren Sen?

(*b*) Is it a fact that all petitions for release or grant of family allowances were rejected since 1931 and only on the 10th April, 1937, an allowance of Rs. 7-8 has been sanctioned?

(*c*) Does the Hon'ble Minister consider the grant of above amount adequate for the maintenance of even one member in a town not to speak of six dependent members?

(*d*) Will the Hon'ble Minister be pleased to state whether he would consider the desirability of—

(*i*) increasing the amount to Rs. 50 per mensem; and

(*ii*) releasing the said Dhiren Sen and save itself from all sorts of payments on account of the said Dhiren Sen or in bare justice make adequate grant for the maintenance of his dependants?

(*e*) Is it not a fact that the place of detention of Sj. Dhiren Sen is infested with snakes, many of which are of cobra species; and that many have been killed inside the premises?

(*f*) If the answer to clause (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he would consider the desirability of removing him from the place at once?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes: the detenu has no family of his own and I understand that he was dependent on his brother before his arrest.

(*b*) Yes, Rs. 7-8 has been sanctioned for the support of the mother of the detenu.

(*c*) This question asks for an expression of opinion.

(*d*) No.

(*e*) I have no reason to believe this statement; the detenu has never complained of this and many people besides the detenu live there.

(*f*) I have issued orders for his internment in his home.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state if it is not a fact that Hindu families are always considered as joint families?

Mr. SPEAKER: It is a matter of opinion.

Srijut MANINDRA BHUSAN SINHA: Are not mother and sisters members of the family?

The Hon'ble Khwaja Sir NAZIMUDDIN: May be so.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state if it is not a fact that the Hindu family is presumed to be a joint family and many members are included in it?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a matter of opinion.

Mr. SPEAKER: You should put a specific question.

Srijut MANINDRA BHUSAN SINHA: Is it not a fact that the brother of Srijut Dhirendra Nath Sen is himself a poor muktear with a family consisting of 6 members including his wife and children?

The Hon'ble Khwaja Sir NAZIMUDDIN: What I meant to say in my answer was that the detenu has neither any wife nor children whom he had to maintain.

Srijut MANINDRA BHUSAN SINHA: Is the Hon'ble Minister not aware that the mother and 3 sisters of Srijut Dhirendra Nath Sen were dependent on him and he had to maintain them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes: for mother we have given an allowance of Rs 7-8. As regards others they were being maintained by his brother. The position has not changed.

Srijut MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state if he is aware that the said Dhiren Sen was the Headmaster of Dighijan High English School and the President of the Mathibhanga Union Board?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Srijut MANINDRA BHUSAN SINHA: Is the Hon'ble Minister aware that the said Dhirendra Nath Sen killed a cobra and produced it before the Subdivisional Officer when the latter came to visit his camp?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be so but I am not aware.

Mr. BIRENDRA NATH MAJUMDAR: With regard to answer (*b*), will the Hon'ble Minister be pleased to state if Rs. 7-8 which has been sanctioned for the support of the mother of the detenu will be paid from the date of his detention?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

*176. **Mr. DHANANJOY ROY:** With reference to the reply given on the 27th November, 1936, to clause (*a*) of unstarred question No. 32, will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether any recommendation has since been made by the Hon'ble High Court to the Government in the matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: No.

Probationership of Law graduates.

*177. **Maulvi ABDUL BARI:** (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware that Law graduates have got to undergo a period of probationership for one year?

(*b*) Is the Hon'ble Minister aware that the system has not in any way improved the training of the lawyers?

(*c*) Is he aware that the system has been causing a great hardship to the Law graduates?

(*d*) Will the Hon'ble Minister consider it desirable to ask the High Court to do away with this system of probationership?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes.

(*b*) and (*c*) No.

(*d*) Does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether it is a fact that this period of probationership was not in existence prior to the year 1930?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes.

Mr. ABDULLA-AL MAHMOOD: Is the Hon'ble Minister aware that the lawyer graduates had been debarred from practising and have got no income during this period of probationership?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that this probationership is not in existence in other provinces of India?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It is so.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether he is aware that mukhtears are not required to undergo any period of training?

Mr. SPEAKER: If you want to extend the question it will take a long time.

Anti-Terrorist League in Kotwalipara, Faridpur.

***178. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that there is an association called the Anti-Terrorist League in Kotwalipara in the district of Faridpur?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when and by whom it was formed and what are its specific functions?

(*c*) Will the Hon'ble Minister be pleased to state whether he is aware—

(*i*) that on the 20th September, 1936, a few persons were seen at night peeping in suspicious manner through the window of the bed-room of Brojendralal Chakraborty, a detenu under orders of home internment at Baliabhanga, police-station Kotwalipara, in the district of Faridpur, and were chased by some inmates of the house including a member of the local Anti-Terrorist League;

(*ii*) that some pieces of paper said to be confidential documents of the Intelligence Branch Department and a suspicious looking phial were found where those unknown persons ran away and fled;

(*iii*) that on the 24th September, 1936, a letter was addressed to the thana officer in charge of Kotwalipara police-station by the Secretary of the local Anti-Terrorist League wherein he communicated his impression that only a member of the Intelligence Branch Department could obtain possession of a confidential document of that nature; and

(*iv*) that on the 23rd September, 1936, the Secretary of the local Anti-Terrorist League sent the Subdivisional Officer of Gopalganj the documents and the phial found in the house of Brojendralal Chakraborty of Baliabhanga with a forwarding letter in

which he communicated his suspicion to the Subdivisional Officer that the persons who happened to visit that house stealthily at night might belong to the Intelligence Branch Department?

(*d*) If the answers to clause (*c*) are in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of each of these letters?

(*e*) Will the Hon'ble Minister be pleased to state what action, if any, has been taken by the authorities concerned on the representation of the Secretary of the local Anti-Terrorist League?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There was an association called "The Anti-Terrorist League" in Kotwalipara in 1936. It is no longer in existence.

(*b*) It was formed in 1935 by some local people in order to check the spread of the terrorist movement.

(*c*) (*i*) An allegation of this kind was made but was found on enquiry to be untrue.

(*ii*) The detenu produced a torn paper which concerned a report regarding his misconduct in 1933, also a phial, but there was nothing suspicious about it.

(*iii*) Yes. The statements made in this letter were not substantiated on inquiry.

(*iv*) Yes.

(*d*) and (*e*) Due inquiry was made and the allegations were found to be untrue. I am not prepared to place the letters on the table.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state whether he enquired who might have been in possession of such a document?

The Hon'ble Khwaja Sir NAZIMUDDIN: All this happened three or four years ago: it is impossible to give details.

Dr. NALINAKSHA SANYAL: With reference to the enquiry that was held, will the Hon'ble Minister be pleased to state if the Government is satisfied that the Criminal Investigation Department, Intelligence Branch, was not responsible for having attempted planting in this case?

The Hon'ble Khwaja Sir NAZIMUDDIN: I refer the hon'ble member to my answer to (*c*) (*iii*).

River Brahmaputra, Mymensingh.

*179. **Mr. ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether Government are aware that the river Brahmaputra in the district of Mymensingh is being rapidly silted up?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government propose to take for preventing the same?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) Yes.

(*b*) Extensive enquiries have been made. Government are advised by their experts that the desertion by the river of its old bed must be accepted as a natural development. It is very doubtful if any measures taken to divert water from the new Brahmaputra (Jamuna) river into the old river would be successful.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether there has been any expert survey as to whether dredging operations are possible or not to make the old river flow again?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not think any survey has been made but I believe extensive enquiries, as already stated in my reply, have been made.

Mr. NIHARENDU DUTTA MAZUMDAR: On what basis does the Hon'ble Minister say that it is doubtful if any measures taken to divert water from the new Brahmaputra river into the old river would be successful?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: As I have already stated in my reply it is according to the views of the experts.

Detenus Messrs. Abdul Halim and Saroj Mukherji.

*180. **Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact that Messrs. Abdul Halim and Saroj Mukherji are being detained under sub-section (1) of section 2 of the Bengal Criminal Law Amendment Act, 1930, in continuation of sentences passed on them not in connection with the terrorist movement in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the specific ground or grounds which have led to their detention?

(*c*) Is it a fact that when sentencing the said Messrs. Abdul Halim and Saroj Mukherji both the Chief Presidency Magistrate of Calcutta and the Calcutta High Court had held that they were communists?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the application of Bengal Criminal Law Amendment Act, 1930, which was passed for purposes other than communist activities?

(*e*) Is the Hon'ble Minister considering the desirability of ordering an immediate release of the said detenus? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Both the persons were dealt with under the Bengal Criminal Law Amendment Act, 1930, on the expiry of their sentence for sedition as, in the opinion of this Government, they are members of an association of which the objects and methods include the commission of offences included in the First Schedule to the Act.

(*c*) I believe the Courts to have made such observations.

(*d*) A communist may participate in those forms of unlawful activity which come within the purview of the Bengal Criminal Law Amendment Act.

(*e*) No. There are no indications that they will sever their connection with associations whose objects and methods include the commission of scheduled activities.

Mr. ATUL KRISHNA GHOSE: With reference to answers (*a*) and (*b*), will the Hon'ble Minister be pleased to state whether Government were not of opinion that they were in the terrorist activities before the order was passed by the Government and how is it that after the expiry of their punishment they were arrested under the Bengal Criminal Law Amendment Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, these people were convicted for an offence first. After their release the then Government considered that they should be detained as it would not be safe to let them go free.

Mr. ATUL KRISHNA GHOSE: Is it not a fact that one may be inclined to believe that just after their release Government want to detain them further under the Bengal Criminal Law Amendment Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government do not detain anybody unless there are good reasons for it.

Beel Route canal.

***181. Maulvi WALIUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*i*) what is the recurring expenditure for the maintenance of the Beel Route canal, and what is the annual income from the same; and

(*ii*) whether any toll is levied on boats, steamers and other crafts plying through the Beel Route canal?

(*b*) If the answers to clause (*a*) are in the affirmative, will the Hon'ble Minister be placed to state what portion of the annual toll income is realised from the country boats, and what from the steamer companies?

(*c*) If any exemption or partial remission from the payment of the toll is granted to any parties, will the Hon'ble Minister be pleased to state on what grounds such remissions and exemptions are granted?

(*d*) Will the Hon'ble Minister be pleased to state whether such exemptions or remissions are granted to any profiteering business parties like the steamer companies?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) The average annual expenditure and income during the last five years were Rs. 2,22,000 and Rs. 1,77,000, respectively.

(*ii*) Yes.

(*b*) The averages of the tolls realised during the last five years are—

(*i*) From the steamer companies—Rs. 1,35,776.

(*ii*) From country boats—Rs. 37,999.

(*c*) and (*d*) One of the launches of the River Steam Navigation Company which is exclusively used by their Pilot-Superintendent has been exempted from payment of tolls, as the work of this officer is of value to Government also.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state why the toll charges are not revised as it is a losing concern?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the amount of traffic carried respectively by the steamer companies and the country boats?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I cannot say off-hand, I want notice.

Dr. NALINAKSHA SANYAL: What was the ground for making a discrimination in favour of a European managed steamer company for remission?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: There was no question of discrimination in this matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the amount of service in terms of rupees from this steamer company and what is the amount of remission given to that company for that service?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is difficult to give any idea off-hand of the money value of the service which Government get from the plying of the launch of the Pilot Superintendent. But I understand the pilot takes sounding of depths which helps the department to keep a record of the level of the river bed. He also reports about the formation of shoals and other obstructions which are very useful to the department.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the loss shown in the running of this Beel Canal route is directly due to this remission of rate from the European company?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Certainly not.

Rivers Ichamati, Boral and Hurasagar, Pabna.

***182. Maulvi AZHAR ALI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether there is any proposal before the Government for resuscitation of the dying rivers, viz., Ichamati, Boral and Hurasagar of the Pabna district?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the steps which are proposed to be taken for the resuscitation of those rivers for improvement of sanitation, agriculture and better and easy communication for the district?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when can the work be expected to be taken up?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) No.

(*b*) The cost of effective dredging or silt clearance of the Ichamati and Boral rivers would be prohibitive. The Hurasagar river is in fair condition and is navigable throughout the year.

(*c*) Does not arise.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state whether Government think it necessary to cut the Ichamati and Boral rivers at the present stage at which they have arrived?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: If the hon'ble member means dredging, as I have already said, the cost of dredging is prohibitive and Government are not prepared to take it up.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether Government have no such means to undertake such a scheme.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: The question is not of means, but the Government have to consider in any such scheme the expenditure in proportion to the benefit to be derived from it.

Detenu Babu Benoy Bagchi.

***183. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware that the detenu Babu Benoy Bagchi at present in the Presidency Jail, Calcutta, as a result of his slow fever is gradually losing his weight for which the Jail Superintendent considers this to be a case of suspected tuberculosis?

(*b*) Has the Superintendent of the said jail made any recommendation to the authorities for his transfer to some healthy and dry place?

(*c*) If so, will the Hon'ble Minister consider it desirable to act according to the Superintendent's recommendation? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The Jail Superintendent did not consider it a case of tuberculosis. The X'ray examination of the detenu's lungs did not show any definite infiltration.

(*b*) No.

(*c*) Does not arise.

Mr. JATINDRA NATH CHAKRABARTY: Will the Hon'ble Minister be pleased to state the nature of the ailment the detenu is suffering from?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Detenu Sri Chunilal Mukherjee.

*184. **Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether—

(*i*) Sri Chunilal Mukherjee of Iswar Ganguly Lane, Kalighat, was convicted under Arms Act in March, 1931, to one year's rigorous imprisonment;

(*ii*) he was released in 1932;

(*iii*) he was rearrested at the jail gate under Bengal Criminal Law Amendment Act;

(*iv*) he is now detained in different camps since then;

(*v*) he is now detained at Deoli;

(*vi*) he has been suffering badly from pharyngitis;

(*vii*) any allowance is given to his widowed dependant mother;

(*viii*) he will be released now; and

(*ix*) he will be interned in his home?

(*b*) If the answers to (*a*) (*vii*), (*viii*) and (*ix*) are in the negative, will the Hon'ble Minister kindly state the reasons thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*iv*) This detenu was arrested on the 30th December, 1931, under the Bengal Criminal Law Amendment Act, 1930, on the expiry of a sentence imposed on him for illegal possession of arms, and has been in detention since then.

(*v*) Yes.

(*vi*) He had pharyngitis about 8 months ago, but this has gradually cleared up with treatment, and he does not complain of pharyngitis now.

(*vii*) No. The detenu was unemployed before his arrest and was not in a position to contribute to the support of his mother, who was dependent on another son.

(*viii*), (*ix*) and (*b*) No; he will shortly be interned in a village in Bengal according to the policy announced on the 9th of August.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what is the amount that will be given to him while under village internment?

The Hon'ble Khwaja Sir NAZIMUDDIN: The usual amount that is given to all detenus. I believe the minimum amount is about Rs. 25.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the policy of the Government has changed since the 9th August regarding payment of allowances to those who were unemployed before arrest?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, we are considering the question of payment in hard cases of giving allowances to those who were not contributing towards the maintenance of their families specially in the case of those who were too young to contribute.

Police administration of Faridpur.

*185 **Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether Mr. A. D. Gordon, I.P., C.I.E., Deputy Inspector-General of Police, Dacca Range, held two inquiries into the affairs of the police administration of the district of Faridpur during the year 1936?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he submitted any report to the Government?

(*c*) If the report has been submitted, are the Government considering the desirability of placing a copy of the same on the table?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The reply is in the negative.

(*b*) and (*c*) Do not arise.

Mr. SURENDRA NATH BISWAS: Is it a fact that during the last 4 years the Sessions Judge has made scathing criticisms against the police officers in several cases and as a result of which a departmental enquiry was held into the police administration?

The Hon'ble Khwaja Sir NAZIMUDDIN: There may have been some enquiries made by the Deputy Inspector-General.

Mr. SURENDRA NATH BISWAS: Was Mr. Gordon the Deputy Inspector-General?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Boat disaster between the mainland of Noakhali and the islands of Sandwip and Hatiya.

*186. **Mr. SYED ABDUL MAJID:** In view of the frequent boat disasters and consequent heavy toll of human lives occurring in the country boat ferry service between the mainland of Noakhali and the islands of Sandwip and Hatiya, and in view of the fact that the finances of the Noakhali District Board do not allow them to maintain a regular steamer service between the places, will the Hon'ble Minister in charge of the Communication and Works Department consider the desirability of establishing a Government steamer service at the cost of Government or with such financial assistance as the District Board and the Khas Mahal Department of Government which owns a very large interest in these islands may be prepared to contribute towards the maintenance of steamer service between Noakhali and the islands.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: The matter is receiving my close attention.

Boat disaster in Meghana.

*187. **Mr. HARENDRA KUMAR SUR:** (*a*) Has the attention of the Hon'ble Minister in charge of the Communications and Works Department been drawn to the letter addressed to the Editor of the *Ananda Bazar Patrika* by Babu Nabin Chandra Das, B.L., of Hatiya, and published on page 15 of the issue of the daily *Ananda Bazar Patrika*, of *Bhadra*, 4, Friday, Calcutta, under the caption "মেঘনায় নৌক-ডুবিতে বহু লোকের মৃত্যু" ?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to ascertain how many similar incidents of boat disasters occurred up to date commencing from the year 1926?

(*c*) Will the Hon'ble Minister be pleased to state the number of deaths of passengers travelling in boats plying between Hatiya-Sandwip inlands and the mainland consequent thereon, during the period?

(*d*) Will the Government consider it desirable to take steps for the purpose of averting such disasters and arrange steamer service between Hatiya, Sandwip and the mainland in consultation with the District Board of Noakhali?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) I am aware of the sad disaster.

(*b*) Nine.

(*c*) 183.

(*d*) Yes.

Boat disaster in Noakhali.

***188. Mr. SHAH SYED GOLAM SARWAR HOSAINI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he has got the information of a serious boat disaster resulting in the death of 200 human souls and 17 beasts that took place on the 2nd August, 1937, in the district of Noakhali and published in daily *Azad* at page 3, dated the 20th *Sraban*, 1344 B.S.?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps Government have taken for it up till now?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) I am aware of the sad disaster. Eleven persons are known to have lost their lives, but the actual death roll may be somewhat larger.

(*b*) The question of opening a launch or steamer service is under consideration.

Enhancement of rent under the Bengal Tenancy Act in the Khas Mahal area, Midnapore.

***189. Babu NIKUNJA BEHARI MAITI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether there has been any enhancement of rent under section 104 of the Bengal Tenancy Act after the Revisional settlement operations in the *Khas Mahal* areas of the Midnapore district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table the rates of increment per rupee in different *Khas Mahal* areas of the district?

(*c*) Will the Hon'ble Minister be pleased to state the total amount of annual increment and as well as the total amount of annual rent previous to the above settlement operations in the above area?

(*d*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased in view of his assurance on the floor of the Assembly of stopping further increment of rent for the present to annul the enhancement and give relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) A statement is laid on the Library table.

(*c*) The total annual demand previous to the settlement was Rs. 6,08,464-12. The annual increase due to the settlement is Rs. 84,576-11.

(*d*) If the Bengal Tenancy Act (Amendment) Bill introduced by Government is passed into law there will be no question of enhancement of rent in the near future.

As to annulment of enhancements already secured, no action is proposed.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that this enhancement will take effect from this year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe that some of them will.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether the Government can take any action in the matter even if the Bengal Tenancy Act be passed when the zemindary concerned is a Khas Mahal zemindary?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That matter has not been considered yet. Government is looking forward to the passing of the Bill.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether this enhancement will be suspended till an uniform rate of rent has been fixed after a proper enquiry?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are taking power under the Bill to suspend future enhancements.

Dr. NALINAKSHA SANYAL: With reference to the reply just given, will the Hon'ble Minister be pleased to state under what clause Government are taking this power of suspending all enhancements in Khas Mahals?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think Clause 19.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of suspending this particular enhancement in view of the declaration of policy made by the Chief Minister during the Budget discussion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It applies to all enhancements.

Detenu Profulla Kumar Doubey.

***190. Mr. DEBENDRA LALL KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether he is aware—

(*i*) that a young man named Profulla Kumar Doubey, son of Sj. Gour Charan Doubey, has been detained under the Bengal Criminal Law Amendment Act in his father's house in a village called Gopiballavpur in the subdivision of Jhargram, district Midnapore, for the last four years or so;

(*ii*) that his father has disinherited his detenu son of all his patrimony by a registered deed in favour of his eldest son; and

(*iii*) that the said detenu Prafulla Kumar Doubey has petitioned the Government several times to grant him a subsistence allowance but in vain?

(*b*) Will the Hon'ble Minister be pleased to state the reason for depriving the detenu of any allowance for the whole period of his long detention?

(*c*) Is the Government contemplating to release him without any more delay?

(*d*) Is the Government contemplating now to grant him a subsistence allowance for the period of detention already undergone as well as during his further detention if so decided?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) He has been interned under the Bengal Suppression of Terrorist Outrages Act.

(*ii*) I have no information.

(*iii*) A petition was received by the District Magistrate in 1935 and another in July, 1937.

(*b*) He has been living with his father who has sufficient means to support him.

(*c*) His case is under review along with the cases of some others.

(*d*) No.

Mr. DEBENDRA LALL KHAN: Will the Hon'ble Minister be pleased to state whether he is aware that the father turned out the son thrice?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I am not aware of it.

Excise Sub-Inspectors.

***191. Maulvi ABDUL BARI:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state—

(*i*) how many Excise Sub-Inspectors have been recruited in August last;

(*ii*) how many of them are Muslims; and

(*iii*) whether any new appointments are to be made shortly?

(*b*) If the answer to clause (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many new appointments are to be made; and

(*ii*) the number of Muhammadans proposed to be appointed?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) (*i*) 16.

(*ii*) 6.

(*iii*) No.

(*b*) Does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state why even after repeated announcements made on the floor of the House that the proportion of the appointment would be taken into consideration, so few Muhammadans were appointed?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Sir, these appointments were made in August.

Public Prosecutor Khan Bahadur Maulvi Sharfuddin Ahmed.

***192. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether the detailed report referred to in the reply to clause (*b*) of the starred question No. 106 put by me on the 4th December, 1936, regarding the removal of Public Prosecutor Khan Bahadur Maulvi Sharfuddin Ahmed, B.L., from his office of the Public Prosecutor, has been received by the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the contents of the said report; if not, why not?

(*c*) Is it a fact that the report contained most serious and damaging statements against the said Khan Bahadur Maulvi Sharfuddin Ahmed in his official capacity as the Chairman of the District Board, Mymensingh?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any action has been taken against him on the strength of the statements contained in that report?

(*e*) If the answer to (*d*) is in the negative, is the Hon'ble Minister willing to take necessary action for his prosecution now?

(*f*) Is it a fact that the said Khan Bahadur was subsequently compelled by Government to resign both his Public Prosecutorship and Chairmanship with a view to hush up the matter and save him from prosecution?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes.

(*b*) and (*c*) The report is confidential.

(*d*) Does not arise in view of answer to (*c*).

No action was taken against the Khan Bahadur.

(*e*) Does not arise.

(*f*) He resigned the Public Prosecutorship of his own accord. He did not resign nor was he compelled to resign the Chairmanship of the Mymensingh District Board.

Names and location of sugar mills in Bengal.

***193. Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to inform the names and location of sugar mills that are now running in Bengal?

(*b*) Will the Hon'ble Minister be pleased to state the approximate area of land in each district of Bengal under sugarcane cultivation?

(*c*) Is it a fact that the mill-owners in various places force the cane-growers to undersell their canes, for which they are to sell at any price?

(*d*) Is the Hon'ble Minister considering it desirable to take any steps, if any, to ensure fixity of price of cane for protecting agriculturists from exploitation by mill-owners.

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) A statement is placed on the table.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I am not aware of it.

Excise Sub-Inspectors.

***191. Maulvi ABDUL BARI:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state—

(*i*) how many Excise Sub-Inspectors have been recruited in August last;

(*ii*) how many of them are Muslims; and

(*iii*) whether any new appointments are to be made shortly?

(*b*) If the answer to clause (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many new appointments are to be made; and

(*ii*) the number of Muhammadans proposed to be appointed?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) (*i*) 16.

(*ii*) 6.

(*iii*) No.

(*b*) Does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state why even after repeated announcements made on the floor of the House that the proportion of the appointment would be taken into consideration, so few Muhammadans were appointed?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Sir, these appointments were made in August.

Public Prosecutor Khan Bahadur Maulvi Sharfuddin Ahmed.

***192. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether the detailed report referred to in the reply to clause (*b*) of the starred question No. 106 put by me on the 4th December, 1936, regarding the removal of Public Prosecutor Khan Bahadur Maulvi Sharfuddin Ahmed, B.L., from his office of the Public Prosecutor, has been received by the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the contents of the said report; if not, why not?

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether after receiving notice of this question any enquiry was made by the department concerned from actual sugarcane growers to ascertain the actual state of things?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already said that I have no information.

Dr. H. C. MUKHERJI: In view of the fact that in certain districts, where sugarcane is grown, the price of sugarcane varies from three annas to two annas and a half, will the Hon'ble Minister consider the desirability of fixing a minimum price for sugarcane?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to enquire whether round about Beldanga where sugar mill is situated, sugarcane growers are forced to undersell their sugarcane?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall have an enquiry made into the matter.

Internment order on Satish Chandra Samanta of Midnapore.

***194. Dr. GOBINDA CHANDRA BHAWMIK:** Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether—

(*a*) Satish Chandra Samanta was a student of the 2nd year of Philadelphia Homeo College in Calcutta and Assistant Secretary in the Election Committee of Tamluk subdivision;

(*b*) he was a polling agent of Dr. Gobinda Chandra Bhawmik and Babu Pramatha Nath Bose, candidates for the Bengal Legislative Council;

(*c*) he was taken into custody by the District Intelligence Branch Sub-Inspector on the 24th January, 1937, last, after searching Tamluk Election Office along with some books and letters relating to election;

(*d*) he was taken to Midnapore on the 25th January, 1937, and brought back to Tamluk on the 27th January, 1937, for joining in the counting of votes and taken to Midnapore on the 28th and was kept in police custody till the 10th February, 1937;

(*e*) on the 10th February, 1937, Order No. 385/37 was issued under section 11 of the Bengal Suppression of Terrorist Outrages Act, 1932, and under rule 16 of the Bengal Suppression of Terrorist Outrages Rules, 1934 (confinement during sunset and sunrise at his father's house and attendance at Mahisadal police-station on Tuesday and Saturday at noon);

(*f*) a case Emperor *vs.* Satish Chandra Samanta was instituted under section 186, Indian Penal Code, on the 22nd February, 1937;

(*g*) the Hon'ble High Court gave order in favour of quashing the proceedings on the reference made by the learned Sessions Judge, Midnapore; and

(*h*) the Government is going to withdraw the internment order which is nothing but harassment for participation in the election?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

(*c*) The office where he used to lodge was searched; he was not taken into custody.

(*d*) He went to Midnapore to answer certain questions in connection with his terrorist activities, and went back to Tamluk for election purposes. He returned to Midnapore of his own free will and stayed there till the 10th February. He was not taken into police custody at any stage.

(*e*) Yes.

(*f*) Yes, at the instance of the Presiding Officer of the polling station.

(*g*) Yes.

(*h*) No order was passed for the purpose of harassing the man for participating in the election.

Mr. ATUL KRISHNA GHOSE: With reference to reply to (*d*), will the Hon'ble Minister be pleased to throw some light as to whether the gentleman in question went to Midnapore of his free will or he was compelled to go there according to the orders of the Intelligence Branch officer and was compelled to stay in the house of the Intelligence Branch officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Persons arrested in the Garbeta Conspiracy case in the Midnapore district.

*195. **Mr. NIKUNJA BEHARI MAITI:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) the number of persons arrested in connection with the Garbeta Conspiracy case in the Midnapore district;

(*ii*) the number of persons so arrested sent up for trial by the Special Magistrate;

(*iii*) the number of persons convicted by the said Magistrate along with their respective periods of conviction;

(*iv*) the number of acquittals by the Hon'ble High Court sitting in the Full Bench; and

(*v*) the amount of expenses incurred by the Government in connection with this case?

(*b*) Is it a fact that all the persons acquitted by the Full Bench have been interned?

(*c*) Is it a fact that they are not given any allowance?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a copy of the judgment of the Hon'ble High Court sitting in Full Bench?

(*e*) In view of the judgment of the Hon'ble High Court, will the Hon'ble Minister be pleased to remove—

(*i*) either the restrictions imposed on the acquitted persons; or

(*ii*) to give each of them requisite amount of allowances?

(*f*) Will the Hon'ble Minister be pleased to state whether the Government have taken or are contemplating to take any actions against the officers responsible for this case.

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) 24.

(*ii*) Four in the original case and 2 in the supplementary.

(*iii*) In the original case 3 persons were each sentenced to rigorous imprisonment for 5 years. In the supplementary case one person was sentenced to rigorous imprisonment for 7 years and one to rigorous imprisonment for 6 years.

(*iv*) Thfee persons.

(*v*) The information is not readily available.

(*b*) Two have been interned under the Bengal Suppression of Terrorist Outrages Act. The third was sentenced to imprisonment by the Chief Presidency Magistrate for illegal possession of arms.

(*c*) Yes.

(*d*) I suggest that the hon'ble member should apply to the High Court for a copy.

(*e*) No; but in pursuance of the general policy of relaxation of restrictive orders in the district, the question of modification or withdrawal of the restrictions on these persons is under examination.

(*f*) No.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether all the evidence that was available against these persons were placed before both in the Lower Court and the High Court?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SARAT CHANDRA BOSE: Has the Hon'ble Minister any reason to think that the whole evidence was not placed before the Courts.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am positive that they must have been placed before the Courts.

Mr. KIRAN SANKAR ROY: Is the Hon'ble Minister of opinion that the High Court was entirely in the wrong in acquitting these accused persons?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that the question does not arise. It is a matter of opinion.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state on what additional evidence these persons were interned?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be that after the evidence that was placed before the High Court some additional evidence came into the possession of Government.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state definitely whether there was any additional evidence subsequent to the acquittal of the accused by the High Court?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. I cannot state off-hand as these things happened long ago. It may be that there was evidence in the possession of Government which they might not have been in a position to place before the High Court.

Mr. SARAT CHANDRA BOSE: Is the Hon'ble Minister going to retract the statement he made that the whole evidence was placed before the High Court?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I first asked for notice and then what I said was based on presumption.

Mr. NIHARENDU DUTTA MAZUMDAR: Does not the Hon'ble Minister agree that the question itself was a sufficient notice for information on all cognate matters?

The Hon'ble Khwaja Sir NAZIMUDDIN: The evidence may not justify conviction but may justify detention.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action was taken against the police concerned who arrested 24 persons out of whom only 6 were found guilty?

The Hon'ble Khwaja Sir NAZIMUDDIN: No action.

Amount in deposit in the Collectorate in each district on account of landlords' fees.

*196. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the amount in deposit in the Collectorate in each district on account of landlords' fees paid under the Bengal Tenancy Act on the 31st March, 1937; and

(*ii*) the amount of such landlords' fees made over to each district board during the years 1935-36 to 1936-37?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is laid on the Library table.

Rent of the Western Duars Khas Mahal in Jalpaiguri during Milligan's Settlement.

*197. **Babu KHAGENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) The total rent of the Western Duars *Khas Mahal* in the district of Jalpaiguri during Milligan's settlement of 1915-16; and

(*b*) the enhancement by the settlement which took effect from 1935-36 and what has been the percentage of enhancement with reference to Milligan's settlement?

(*c*) Is it a fact that the tenants could not pay the previous rents on account of the abnormal fall in the prices of paddy and jute which are the principal crops in the Duars?

(*d*) Is it a fact that there were a large number of certificate cases and the holdings of many *jotedars* were sold?

(*e*) What is the percentage of collection of rent in the years 1928-29 to 1932-33?

(*f*) Is it a fact that the local authorities gave an assurance to the *jotedars* that the enhancement would be kept in abeyance till substantial rise in the price of the staple food crops?

(*g*) Is it a fact that the successive Deputy Commissioners of Jalpaiguri submitted reports about the wisdom of such enhancement?

(*h*) Will the Hon'ble Minister be pleased to tell the House his views?

(*i*) Is it a fact that rents are being realised at enhanced rate from 1935-36?

(*j*) Is it a fact that assessment was increased in an indirect way by promoting the classes of lands to their next higher class?

(*k*) Is it a fact that in more than 60 per cent. of cases there have been such promotions in the last settlement with reference to Milligan's settlement?

(*l*) Will the Hon'ble Minister be pleased to state whether there were innumerable representations, petitions and memorials before the Settlement Officer and other authorities protesting against enhancement on the ground that the land could not bear even the present rent which was assessed during times of prosperity and also against promotions of lands on the ground that such promotions were not justified by facts?

(*m*) Is it a fact that in respect of several *jotes* mainly on account of such promotions the rent has been doubled and sometimes trebled?

(*n*) Is it a fact that the Khas Mahal Department spends any money for improvement of the lands by irrigation or otherwise?

(*o*) Will the Hon'ble Minister consider it desirable to examine the situation and the land revenue system by forming a joint committee of officials and non-officials?

(*p*) Will the Hon'ble Minister consider it desirable to keep in abeyance the realisation of rent at the enhanced rate till the report of such committee or till substantial increase in prices of food crops and jute?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Rs. 6,33,428-6-9.

(*b*) Rs. 2,69,380-4-3 or 43·49 per cent. of the old rents. This heavy rise was very largely due to considerable extension of cultivation.

(*c*) No. The incidence of rent per acre was, and still is, very low in this area (Rs. 1-6-5). Collections, however, were affected by the fall in the price of paddy and jute.

(*d*) In 1935-36 though 1,299 certificates were filed, only 85 *jotes* were sold while in the year following the number of institutions was 2,725 and *jotes* sold 145.

(*e*) A statement is laid on the table.

(*f*) and (*g*) No.

(*h*) Does not arise.

(*i*) Yes.

(*j*) No. The assessment was made on the basis of actual condition and state of fertility of lands. This entailed some change in the previous classification.

(*k*) No statistics are available which would indicate this.

(*l*) A large number of petitions, memorials and representations were received.

(*m*) No exact statistics are available, but the suggestion is believed to be incorrect.

(*n*) The Khas Mahal Department annually spend a considerable amount in the general improvement of the area as also on communications.

(*o*) No.

(*p*) No. There has been a substantial rise in the price of food crops and jute during the past two years.

Statement referred to in the answer to clause (e) of starred question No. 197.

	On total demand.	On current demand.
1928-29	93·95	101·6
1929-30	87·08	92·2
1930-31	64·22	72·8
1931-32	40·60	57·8
1932-33	37·11	68·7

Babu KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether 6,33,428 is the amount for current demand for the year 1914-15 immediately preceding the year when the enhancement took effect?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very likely, but I ask for notice.

Doctors in the Bengal Medical Service in 1934.

***198. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether any doctors were appointed temporarily in the Bengal Medical Service in the year 1934?

(*b*) If so, what are their names?

(*c*) On what date or dates, they were appointed on probation?

(*d*) Will the Hon'ble Minister be pleased to state whether any vacancies occurred in the Bengal Medical Service (Upper) in the years 1934, 1935 and 1936? If so, how many?

(*e*) Were these vacancies filled up as they occurred or were they all filled up on a particular date?

(*f*) If these vacancies were not filled up as they occurred, what was the reason therefor?

(*g*) Will the Hon'ble Minister be pleased to state whether any doctors were appointed temporarily in the above service in the year 1935?

(*h*) If so, how many?

(*i*) When were they appointed on probation?

(*j*) Is it a fact that they were appointed on probation on the same day on which the doctors temporarily appointed in 1934 were also appointed on probation?

(*k*) If so, why were the doctors appointed in 1934 kept on a temporary basis for 2 years, whereas the doctors appointed in 1935 were kept on a temporary basis for one year only?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) Yes.

(*b*) A statement giving the names is laid on the table.

(*c*) The first seven were appointed on probation on the 9th April, 1936. The eighth officer, viz., Dr. B. P. Neogi, was discharged from service.

(*d*) Twenty-nine vacancies occurred during these years.

(*e*) and (*f*) Some of the vacancies were absorbed against certain posts abolished in the Medical College Hospitals. As regards the others, appointments were made by Government on the advice of the Bengal Selection Board, and since the inauguration of the Reforms they have to be filled on the advice of the Public Service Commission. As the process of advertisement and selection takes time, the vacancies could not be filled up as soon as they occurred.

(*g*) **Yes.**

(*h*) **Nine.**

(*i*) Three were appointed on probation on the 9th April, 1936. The other six are still continuing in a temporary capacity.

(*j*) Yes. Three doctors who were recruited on a temporary basis in 1935 were appointed on probation on the 9th April, 1936, to the permanent posts. Seven doctors who were recruited temporarily in 1934 were also appointed on probation on the 9th April, 1936, to permanent posts.

(*k*) Officers remain on a temporary basis until absorbed in permanent posts or discharged as unsuitable. As no recruitment to permanent vacancies was made after 1934 till April, 1936, officers appointed in 1934 had to remain on the temporary list till then. As the number of permanent posts falling vacant in 1936 was larger than could be filled with the temporary officers of 1934 the remaining permanent vacancies had to be filled by appointing probationers from the officers recruited in 1935.

Statement referred to in the answer to clause (b) of starred question No. 198, showing names of officers temporarily recruited into the Bengal Medical Service (Upper) in 1934.

1. Dr. Chuni Lal Mukherjee.
2. Dr. Kumud Nath Sen.
3. Dr. Rohini Ranjan Barua.
4. Dr. Ghyasuddin Ahmed.
5. Dr. Ansaruddin Chowdhury.
6. Dr. Sudhendu Kumar Roy.
7. Dr. Somesh Chandra Ghosh.
8. Dr. Birendra Prosad Neogi.

Police assault on several workers of Angus Mill.

***199 to 201. Mr. A. M. A. ZAMAN, Mr. BANKIM MUKHERJI and Mr. RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether—

(*i*) the police assaulted several workers for refusing to join work in Angus Mill;

(*ii*) the police forcibly entered the quarters of the workers of Angus Mill and forced the occupants to resume work;

(*iii*) the police used such violence on women workers also;

(*iv*) the Gourhati Branch of Bengal Chatkal Mazdur Union has been put under lock and key by the police;

(*v*) the police assaulted Bikhari Mia and other house-owners for giving shelter to those workers who were recently externed from Hooghly district, but who returned to Hooghly after that order was cancelled; and

(*vi*) the police have made it impossible by section 144, Criminal Procedure Code, to hold any meeting there to protest against such oppression?

(*b*) What steps, if any, have been taken by the Government to remove the grievances of the workers?

(*c*) What steps do Government propose to take to investigate into and remedy such grievances?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) to (*iv*) No.

(*v*) No. The houses of Bikhari Mia and other owners were searched for absconders in connection with a rioting case of Bhadreswar police-station. No one was assaulted by the police.

(*vi*) An order under section 144, Criminal Procedure Code, prohibiting assemblies of five or more persons within the jurisdiction of Bhadreswar police-station, was passed by the District Magistrate on the 24th July, 1937, and is still in force.

(*b*) and (*c*) Do not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to answer (*v*), was any such absconder discovered in the house of Bikhari Mia?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SIBNATH BANERJEE: In view of the serious allegations in questions (*i*) to (*iv*), will the Hon'ble Minister make any enquiry apart from the ordinary departmental enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it necessary.

Mr. AFTAB ALI: Does the Hon'ble Minister agree that prohibiting meetings in labour areas affects the rights of workers and thereby the right of association granted under the Trade Union Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is an argument and not a question asking for information.

Inspectors, Auditors and Irrigation Supervisors.

*202. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) the total number of (*i*) Inspectors, (*ii*) Auditors, (*iii*) Irrigation Supervisors employed in this department; and

(*b*) how many of them are (1) Muslims, (2) Hindus, (3) scheduled castes, (4) Christians, and (5) others?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): A statement is placed on the table.

Statement referred to in the answer to starred question No. 202 regarding number of Inspectors, Auditors and Irrigation Supervisors.

	Muslims.	Caste Hindus.	Scheduled Castes.	Christians.	Others.	Total.
	1	2	3	4	5	6
Inspectors ..	35	45	2	Nil	2	84
Auditors ..	102	127	10	Nil	2	241
Irrigation Supervisors.	2	*8		Nil	Nil	10

*No separate figures for Caste-Hindus and Scheduled Caste Irrigation Supervisors are immediately available.

Mr. PROMATHA RANJAN THAKUR: Were not more scheduled caste candidates available so far as the appointment of inspectors was concerned?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Perhaps Government found that there were no suitable candidates.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to Unstarred Question No. 216, I submit that I tabled this question intending it, firstly, to be a Starred Question and secondly, I intended it for the Hon'ble Chief Minister to answer because it is a matter in which the Chief Minister was personally concerned. I find that this has been placed in the list of Unstarred Questions. My submission is that it should be taken as a Starred Question.

Mr. SPEAKER: I will make an enquiry into the matter. Even if it was a Starred Question it does not matter, because you can put supplementary questions on it if you like.

Mr. NIHARENDU DUTTA MAZUMDAR: My other point is that I intended it for the Chief Minister.

Mr. SPEAKER: I am afraid you cannot put one question to two Ministers. If you want the Chief Minister to answer, you should directly address him to that effect. However, I will make an enquiry into that matter also.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Process-servers in Rangpur.

190. Babu KSHETRA NATH SINCHA: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether—

(*i*) 90 temporary process-servers in the Rangpur district were discharged in 1928;

(*ii*) 15 more permanent process-servers were discharged in 1929;

(*iii*) in his order of discharge the Secretary to the Judicial Department assured the discharged men that during fresh appointments their cases would be considered first of all others; and

(*iv*) the District Judge of Rangpur in his order No. 2790, dated the 28th August, 1929, assured the discharged men that he would comply with the order of the Secretary?

(*b*) Is it not a fact that 44 process-servers were appointed between dates—13th October, 1936, and 30th July, 1937?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) out of 44 appointments how many from discharged men;

(*ii*) Muhammadans; and

(*iii*) Scheduled castes?

(*d*) Is it not a fact that out of 44 only 12 were Muhammadans and 2 from scheduled castes?

(*e*) Is it a fact that only 9 peons are the *bona fide* inhabitants of the district of Rangpur and the rest from outside districts?

(*f*) Is it a fact that some of them are 12 or 13 years of age and some are above 50 years of age and some are illiterate?

(*g*) Will the Hon'ble Minister consider the desirability of making an enquiry by some European officer?

(*h*) Looking to the backwardness of the local people, do not the Government think it desirable to appoint a service committee mainly composed of *bona fide* inhabitants of the district?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) The question does not arise as there were no such class as temporary process-servers in this district in 1928.

(*ii*) Yes.

(*iii*) No such order appears to have been passed by the Secretary, Judicial Department. But their cases were considered and up to date as many as 7 out of discharged permanent process-servers have been appointed and the cases of 3 others who had applied were rejected on ground of inefficiency; of the remaining 5, no trace could be found, but there is information that 3 were provided elsewhere and that one is dead.

(*iv*) The District Judge, on the representation of 4 out of the above discharged process-servers ordered that they shall have preferential claims over others in cases of vacancy; of those 4, one has been appointed and traces of others cannot be had.

(*b*) Only 20 process-servers were appointed during this period and not 44.

(*c*) (*i*) Out of 20 process-servers who were appointed, 4 persons were from discharged (permanent) process-servers.

(*ii*) 5 Muhammadans.

(*iii*) 4 persons of scheduled caste.

(*d*) No.

(*e*) Without a thorough enquiry into each of these 20 cases which will require time and examination of service rolls which are not readily available it is not possible to state how many of them are *bona fide* inhabitants of the district and how many belong to other districts.

(*f*) Certainly not. All of them are literate and some of them are Matrics.

(*g*) and (*h*) No.

Mr. SHAH ABDUR RAUF: With regard to answer (*e*), is it not a fact that service rolls remain in the custody of the District Judge to which he can readily refer in order to obtain that information?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The answer is quite clear and I do not think you can dispute the accuracy of the answer.

Success of Unemployment Relief Scheme.

191. Babu HARIPADA CHATTOPADHYAY: (*a*) Is the Hon'bl Minister in charge of the Agriculture and Industries Departmen aware—

(*i*) that a report was published in the *Amrita Bazar Patrika* of th 13th October, 1934, about the success of Unemploymen Relief Scheme; and

(*ii*) that similar report about the success of the scheme was pub lished from the Government Publication Department?

(*b*) Has the report published in the *Ananda Bazar Patrika* of th 25th July, 1937, been brought to the notice of the Government?

(*c*) Is it a fact that most of the youths trained under the sai scheme have been totally unsuccessful in their industrial business?

(*d*) Is it a fact that most of the trained youths who have been show in the Government report as carrying on independent industrial busines according to the Government scheme, have been found to be stil unemployed or employed in some other general business after thei failure in industrial business?

(*e*) Is it a fact that contrary to the Government report, there is n existence at all of most of the workshops or industrial business centre in their proper sites?

(*f*) Is the Hon'ble Minister in charge aware—

(*i*) that it appeared in the Government report that Sj. Prem Haris Singh of Chapra (Nadia) opened an umbrella workshop a Chapra after his training in that industry under the said scheme;

(*ii*) that he has no workshop at Chapra at present;

(*iii*) that he has failed in his business and opened a tailoring shop at village Ratanpur in the district of Nadia; and

(*iv*) that he received no training in tailoring under the said scheme?

(*g*) Is the Hon'ble Minister in charge aware—

(*i*) that Sj. Saroj Kumar Molla of Chapra in the district of Nadia has been reported in the Government report as carrying on independent business in umbrella manufacture at Chapra after his training from the Government Industrial Scheme;

(*ii*) that he has no independent business at present; and

(*iii*) that he is a teacher in umbrella manufacture and a motor driver as well in the Chapra Mission School on a monthly pay of Rs. 7 for each post?

(*h*) Is it a fact that Srijuts Sailendra Nath Bhattacharyya and Saroj Das described in the Gove.nment report as employees in charge of "Brass and Bell-metal Section" of the Chapra Mission School are no longer employed in that industry?

(*i*) Is it a fact that the former has managed to secure one job in the Kanchrapara Loco Department shed No. 4 and the latter is still unemployed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes; on the basis of letters received from the students themselves.

(*b*) Yes.

(*c*) No.

(*d*) No; those who could not procure capital have secured employment requiring skill and experience acquired as a result of their training in the Unemployment Relief Scheme.

(*e*) No; the location of some of the factories has changed.

(*f*) (*i*) Yes.

(*ii*) I have no information.

(*iii*) No; having failed to secure the necessary capital for umbrella making he took to tailoring which requires very little capital.

(*iv*) He received thorough training in the basic principles of tailoring, viz., pattern making, cutting, sewing, etc., while undergoing training in umbrella making which requires thorough knowledge of tailoring.

(*g*) (*i*) Yes.

(*ii*) and (*iii*) As a teacher in charge of umbrella making he was deputed by the Chapra Mission School to learn the art of umbrella making; umbrella making as an industry on a small scale is being carried on by the Mission and the products are being marketed locally and through the Good Companions of Calcutta. I have no information that he is a motor driver or what pay he is drawing.

(*h*) and (*i*) Sailendra Nath Bhattacharyya and Saroj Das were deputed for training by the Chapra Mission; a foundry section was started and they were in charge. Later Sailendra, who received training in foundry, secured a job carrying higher salary in the Foundry Department of the Loco Workshop and is therefore employed in the industry in which he has been trained.

I have no information about Saroj Das.

Mr. P. BANERJI: With reference to answer (*e*), in how many cases have such changes taken place?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. BIRENDRA NATH MAJUMDAR: With regard to answer (*b*), have the Government made any enquiries as to the correctness or otherwise of the report published in the "Ananda Bazar Patrika" of the 25th July, 1937?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No enquiries are held on the basis of a newspaper report.

Mr. SPEAKER: I admit that this question should have been put in consonance with the Parliamentary practice followed in the House. I am sorry to find that as we had to send without examination, 350 questions en masse, we had no time to see whether all of them were in order. But once they have been admitted by me, I think the question should be answered, though I must make it clear that this will not be treated as a precedent.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government did not think it necessary to start an enquiry on newspaper report.

Mr. P. BANERJI: With reference to answer (*e*), can the Hon'ble Minister give an idea of the location of such changes of sites of factories?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Recommendations of the Muslim Education Advisory Committee.

192. Maulvi MD. ABDUL HAKIM VIKRAMPURI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any action has been taken on the recommendations of the Muslim Education Advisory Committee appointed in 1931?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*c*) Is the Hon'ble Minister considering the desirability of giving effect to the recommendations of the said committee *in toto*?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes, on some of the recommendations. The remaining recommendations are still under consideration.

(*b*) and (*c*) Do not arise.

Maulvi ABDUL LATIF BISWAS: Can the Hon'ble Minister give an approximate date when Government will come to a decision to give effect to the remaining recommendations?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government have come to a decision to give effect to the recommendations. They are being separately considered. Some of these recommendations will take a long time to consider and it is not possible for me to give a definite date by which we can give effect to all the recommendations.

Creating a subdivision at Bajitpur, Mymensingh.

193. Khan Sahib HAMIUDDIN AHMAD: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the amount of cost incurred by the Government for the project of creating a subdivision at Bajitpur within the district of Mymensingh?

(*b*) Is the Hon'ble Minister aware that successive Collectors of the district have recommended for creating a subdivision at Bajitpur?

(*c*) Do the Government contemplate to create a subdivision there in near future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Rs. 1,57,094.

(*b*) and (*c*) No.

Appointments in the clerical staff, Khulna Collectorates.

194. Mr. ABDUL HAKEEM: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the number of appointments in the clerical staff in the Khulna Collectorate made in the last financial year;

(*ii*) the number of Muhammadans so appointed; and

(*iii*) the total number of clerks—

(1) Hindus, and

(2) Muhammadans,

in the Khulna Collectorate now?

(*b*) Will the Hon'ble Minister be pleased to state whether he proposes to place the Muhammadans on equal footing with the Hindus in the matter of appointments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement is placed on the Library table.

(*b*) No, as no minimum per cent. is fixed for Hindus.

Mr. ABDUL HAKEEM: What is the percentage of Muslim clerks in the Khulna Collectorate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Complaints regarding the Damodar Canal rates.

195. Mr. BANKU BEHARI MANDAL: (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether complaints have been received by Government regarding the Damodar canal rates?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any enquiry has been made regarding those complaints? If so, the number of cases enquired into and the result of those enquiries?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) and (*b*) The member is referred to the replies to an unstarred question by Maharajkumar Uday Chand Mahtab on the same subject at this meeting.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister consider the cases in which no remission was granted?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Remissions were granted in cases where there was a defective supply of water and for other similar reasons resulting in the failure of crop. I do not think we have any power to reduce the rate which was approved by this House.

196. Maharajkumar UDAY CHAND MAHTAB: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware of complaints from the public regarding the Damodar canal rates?

(*b*) Has any inquiry been made regarding those complaints?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state how many cases have been inquired into and what is the result of those inquiries?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) and (*b*) Yes.

(*c*) 1,735 cases were instituted. Full and partial remissions have been allowed by the Collector in 36 and 47 per cent. of the cases, respectively. No remission was granted in 10 per cent. of the cases. The remaining cases were instituted under a misapprehension, as the plots in respect of which remission was claimed had not been assessed at all.

Debt Conciliation Boards.

197. Maulvi RAJIBUDDIN TARAFDAR: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of Debt Conciliation Boards that have been formed in the Presidency of Bengal; and

(*ii*) what is the duration of time that Government require to set up Conciliation Boards all over Bengal?

(*b*) Is it a fact that in the absence of any board in the locality, the *zemindars* and the *mahajans* there are hurrying up to collect all their arrears by any means whatsoever in order to escape from the operation of the Relief Act?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the steps proposed to be taken to save the poor tenants and debtors in those localities?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of Conciliation Boards established in the district of Bogra; and

(*ii*) the number of them that are given special powers?

(*e*) Is it a fact that only one Special Board has been set up in the district of Bogra?

(*f*) Is it a fact that the Special Board is formed with Subdivisional Officer and two other Honorary Magistrates only?

(*g*) Will the Hon'ble Minister consider it desirable to take in any representative of the agriculturists on this Special Board?

(*h*) Will the Hon'ble Minister consider the formation of more Special Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) 2,185.

(*ii*) It is impossible to forecast; Debt Settlement Boards are established as and when recommendations are received from local officers who are guided by local conditions.

(*b*) I am informed that this happened in one or two areas whe the Act was first introduced last Autumn, but in districts where th Act has only been recently introduced no such activity was observe in the period immediately prior to the introduction of the Act.

(*c*) Does not arise.

(*d*) (*i*) 125.

(*ii*) There is one Special Board empowered with all special power except under section 22, and 36 Ordinary Boards have been investe with powers under sub-section (*2*) of section 9.

(*e*) Yes.

(*f*) No.

(*g*) There is no reason to suppose that members of the Specia Board will not look to the interests of the agriculturists.

(*h*) Yes, if the local authorities desire and recommend.

Number of clerks, process-servers and night guards appointed by th District Judge of Faridpur for the years 1936 and 1937 up to th 15th August.

198. Mr. YUSUF ALI CHOUDHURY: (*a*) Will the Hon'bl Minister in charge of the Judicial and Legislative Department be please to state separately for the years 1936 and 1937 (up to the 15th Augus 1937), the number of—

(*i*) clerks;

(*ii*) process-servers; and

(*iii*) night guards;

appointed by the District Judge of Faridpur?

(*b*) How many of these were Muslims?

(*c*) In case an adequate number of Muslims were not appointe what were the reasons for the same? What steps, if any, does th Government intend to take in the matter?

(*d*) Will the Hon'ble Minister be pleased to state whether the is any circular laying down the minimum proportion of Muslim cand dates to be appointed for such posts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadu (*a*) and (*b*) A statement is laid on the table.

(*c*) Does not arise. 30 Muhammadans were appointed out of 8

(*d*) There is a circular for clerical appointments only—No. 198 1987 A.D., dated the 28th October, 1925.

Statement referred to in the answer to clauses (a) and (b) of unstarred question No. 198.

	1936.	1937.
(*a*)(*i*)	.. Nil	.. (Up to 15th August, 1937) 5 (temporary).
(*ii*)	.. 17 from office establishment 35 from outsiders	9 from office establishment. .. 1 from outsiders.
(*iii*)	.. 11 from outsiders	.. 2 from outsiders.

(*b*) of (*a*) (*i*) .. 2
(*a*) (*ii*) .. 23
(*a*) (*iii*) .. 5

Mr. YUSUF ALI CHOUDHURY: Does the Government intend to revise the circular?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The matter is under the consideration of Government.

Upper Subordinates and Sub-overseers in the Irrigation and Public Works Department.

199. Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing—

(*i*) the total number of Upper Subordinates in the Irrigation and Public Works Departments;

(*ii*) the number of them that are (1) Hindus, (2) Muhammadans, and (3) of other nationalities;

(*iii*) the total number of Sub-Overseers in the Irrigation and Public Works Departments separately;

(*iv*) the number of them that are (1) Hindus, (2) Muhammadans, and (3) of other nationalities;

(*v*) the total number of persons recruited to each of services mentioned above since January, 1932; and

(*vi*) the number of them that are (1) Hindus, (2) Muhammadans, and (3) of other nationalities?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: A statement is laid on the table.

Statement referred to in the answer to unstarred question No. 199, regarding appointments, etc., in Upper Subordinate Service, Subordinate Engineering Service and Lower Subordinate Establishment in the Department of Communication and Works (1) Irrigation Branch and (2) Communication and Buildings Branch.

(1)

	Permanent.	Temporary.	Total.	Hindus.	Muhammadans.	Other nationalities.	Total.
*Upper Subordinate	Nil	Nil	Nil	Nil	Nil	Nil	Nil
*Overseers (Subordinate Engineering Service).	70	26	96	87	9	Nil	96
*Lower Subordinates (old sub-overseers).	12	Nil	12	12	Nil	Nil	12
Recruitment of overseers in the Subordinate Engineering Service from 1st January, 1932, up to date.	2	1	3	1	2	Nil	3

(2)

*Upper Subordinates	2	Nil	2	2	Nil	Nil	2
*Overseers (Subordinate Engineering Service).	93	19	112	82	30	Nil	112
*Lower Subordinates (old Sub-overseers).	10	8	18	17	1	Nil	18
*Recruitment in the Upper Subordinate Service from 1st January, 1932, to 19th August, 1937.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Recruitment of Overseers in the Subordinate Engineering Service from 1st January, 1932, to 19th August, 1937.	19	14	33	18	15	Nil	33

*With effect from the 1st February, 1920, the Bengal Engineering Service and the Subordinate Engineering Service (Overseers) were formed to replace the Upper Subordinate and the Lower Subordinate (Sub-overseers) Services respectively. Many Upper Subordinates and Lower Subordinates were absorbed in the two new services and the posts held by the remaining members are being abolished as they retire. Recruitment to the old services ceased with effect from the formation of the new services to which only recruitments are since being made.

Maulvi ABDUL LATIF BISWAS: Is the Government going to fix the proportion of Muslim appointments in order to increase the number of Muslim officers in the department?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: That is a request for action.

Scheme for constructing sluice gates in the river "Chiknai" and "Badai Jola" in Pabna.

200. Maulvi AZHAR ALI: (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether there is any scheme before the Government for constructing sluice gates in the river "Chiknai" and "Badai Jola" in the district of Pabna for regulating water course to *Bara Bil* and *Bil Gandahasti*, respectively?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state what steps, if any, are proposed to be taken to save crops of thousands of acres of lands from damage and often total destruction, by early flood in the aforesaid *bils*?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when would Government consider the desirability of giving effect to the schemes?

The Hon'ble Maharaja SRIS CHANDRA NANDY of Kasimbazar: (*a*) No.

(*b*) An enquiry will be made.

(*c*) Does not arise.

Maulvi AZHAR ALI: Was there any previous enquiry regarding the badai jola before it was dropped?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I think so.

River Karatoya.

201. Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that—

(*i*) the economic prosperity of North Bengal and particularly of Bogra is very largely dependent upon the river Karatoya;

(*ii*) the present condition of the river is such that it is endangering the health and prosperity of the localities served by it; and

(*iii*) there is a strong public feeling that the resuscitation of the river be immediately undertaken in order to save Bogra and other neighbouring districts from the fate which is threatened by the present moribund condition of the river?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*i*) and (*ii*) The river Karatoya is in a decadent condition and this is injurious to the health and prosperity of the tract through which it flows.

(*iii*) Yes. A sum of Rs. 34,000 has been allotted to the District Board of Bogra as Government contribution for the work of resuscitating the lower reaches of the river by means of a cut from the Katakhali *khal*.

Khan Bahadur MOHAMMED ALI: When does Government propose to take up the work?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: This is a work which will be undertaken by the District Board.

Copyists of the Registration Department.

202. Khan Bahadur Maulvi FAZLUL QUADIR: Is the Hon'ble Minister in charge of the Education Department aware that copyists of the Registration Department are overworked and compelled to copy 4,200 words and compare 8,400 words in a day to the detriment to their health and to the interest of the public as the copyists have to hurry up without caring for quality of work, which causes great inconvenience to the public when taking certified copies?

The Hon'ble Mr. A. K. FAZLUL HUQ: Complaints that the copyists of the Registration Department are overworked, have been received from some districts.

Government propose to examine the question from all points of view and take such action as may be considered necessary.

Court-guardians appointed in Mymensingh during the years 1935-36 and 1936-37.

203. Mr. ABDUL KARIM: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state separately—

(*a*) the number of court-guardians appointed during the years (*i*) 1935-36 and (*ii*) 1936-37 in the different munsifs' courts in the district of Mymensingh; and

(*b*) the number of court-guardianships given to Muhammadan pleaders in those years by the respective munsifs' courts of that district in those years.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: A statement is laid on the Library table.

Mr. ABDUL KARIM: What is the reason to cut down to a great extent the number of court-guardianships given to Muhammadan pleaders of Jamalpur?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: You better put the question to your munsiff.

Sugar factories in Bengal with cane consuming capacities.

204. Maulvi HAFIZUDDIN CROWDHURY: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) whether sugarcane is grown in abundance in the districts of Rajshahi Division;

(*ii*) the number of sugar factories with their respective cane consuming capacities;

(*iii*) whether there is a sugar factory at Setabganj in the district of Dinajpur;

(*iv*) whether the price offered for sugarcane by the abovementioned factory has come down from 6 annas to 4 annas in course of the last three years of its industrial life;

(*v*) whether it is a fact that a District Committee at Dinajpur fixed, by convention, the price at 4 annas 6 pies per maund of sugarcane for the season 1936-37;

(*vi*) whether it is a fact that the mill authorities of Setabganj lowered down the price to 4 annas in total disregard of the convention during the latter part of the aforesaid season; and

(*vii*) the percentage of purchase from outside Dinajpur district to the total purchase of sugarcane made by the Setabganj Sugar Mills Limited during the season 1936-37?

(*b*) Will the Hon'ble Minister in charge be pleased to state—

(*i*) whether the Government considers the early necessity of fixing the minimum price for sugarcane in Bengal;

(*ii*) whether the agriculturists have to give 1¼ seers in excess for each maund of sugarcane to the millowners of Setabganj Sugar Mills at the time of sale and that no price is paid for this excess quantity; and

(*iii*) whether the Government are prepared to take early steps to stop such acts of exploitation?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) Yes.

(*ii*) A statement is placed on the table.

(*iii*) Yes.

(*iv*) Yes, due to increase in duty on sugar.

(*v*) The reference to "District Committee" is not understood. There is a Cane Growing and Sugar Manufacturer's Association at Dinajpur but they did not fix any price.

(*vi*) Does not arise.

(*vii*) 16·9 per cent.

(*b*) (*i*) The member is referred to the answer given to clause (*b*) of unstarred question No. 7 at the meeting of the Bengal Legislative Assembly held on the 21st August last.

(*ii*) Yes, as a set-off against dryage and inferior and diseased canes supplied by the growers.

(*iii*) Does not arise.

Statement referred to in the answer to clause (a) (ii) of unstarred question No. 204, showing the names and locations of sugar factories in Bengal with cane-consuming capacities.

I.—FACTORIES UNDER VACUUM PAN SYSTEM.

		Cane-consuming capacity.
		Tons.
1.	Rajlaxmi Sugar Mills, Maitrabagan, Basirhat, 24-Parganas	50
2.	Sri Radha Krishna Sugar Mills, Beldanga, Murshidabad	600
3.	Deshbandhu Sugar Mills, Charsindur, Dacca ..	150
4.	East Bengal Sugar Mills, Kaliganj, Dacca ..	150
5.	North Bengal Sugar Mills, Gopalpur, Rajshahi ..	1,000
6.	Setabganj Sugar Mills, Setabganj, Dinajpur ..	400
7.	Baikunthapur Sugar Mills, Shikarpur, Jalpaiguri	100

II.—FACTORIES UNDER OPEN PAN SYSTEM.

			Cane-consuming capacity.
			Tons.
1.	Jhargram Sugar Mills, Midnapore ..	..	Not known.
2.	Kusthia Sugar Mills, Nadia ..	..	Do.
3.	Kotchandpur Sugar Mills, Jessore, No. I	Not under Factories Act.	Do.
4.	Kotchandpur Sugar Works, Jessore, No. II		
5.	Lakshmi Sugar Mills, Rajshahi ..	..	Do.
6.	Biral Sugar Mills, Dinajpur ..	..	Do.
7.	Birampur Sugar Mills, Dinajpur ..	..	Do.
8.	Hossainabad Sugar Mills, Jaipaiguri ..	..	Do.
9.	Malda Co-operative Sugar Mills, Malda	..	Do.

Mr. NISHITHA NATH KUNDU: With reference to answer (*b*) (*i*), is it within the scope of the Jute Committee to fix a minimum price of sugarcane as well as of jute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: We are awaiting the report of the Central Jute Committee and or that Government will take action.

Maulvi HAFIZUDDIN CHOWDHURY: With reference to answer (*e*) (*ii*), will the Hon'ble Minister be pleased to state if he is aware that over and above the 1 and 1¼ seers in excess known as *valta* deduction is made against dryage and diseased cases?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of it, but if it is brought to my notice, I will make the necessary inquiries.

Percentage of Muhammadans in the Upper Division Clerical Service in the Collectorates.

205. Mr. ASIMUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to place on the table a statement showing for the offices under the Magistrate and Collector of each district—

(*i*) total strength of Upper Division permanent clerks;

(*ii*) total number of them that are Mussalmans;

(*iii*) total sanctioned strength of Lower Division permanent clerks;

(*iv*) total number of them that are Mussalmans;

(*v*) total number of temporary posts (Upper and Lower Division);

(*vi*) total number of them that are Mussalmans;

(*vii*) total number of vacancies in each division of clerical posts referred in (*i*), (*iii*) and (*v*) during the last 5 years; and

(*viii*) the number of Mussalmans appointed in such vacancies?

(*b*) Is the Hon'ble Minister aware of the paucity of Muhammadans in the Upper Division clerical service in the Collectorates as represented by various district associations to His Excellency?

(*c*) What steps have been or are being taken to improve matters?

(*d*) Is the Hon'ble Minister considering the desirability of filling up all future vacancies in the Upper Division clerical service in the Collectorates till the percentage of Muhammadans in that class of service is reached?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The information is not readily available.

(*b*) Yes.

(*c*) To facilitate the appointment of Muhammadans in the Upper Division Muhammadans of better qualifications are now being recruited in the Lower Division. It is expected that this will increase the number of Muhammadans in the Lower Division who are fit for promotion, and that the percentage of Muhammadans in the Upper Division will gradually increase.

(*d*) No. Such action would not be fair to meritorious Lower Division clerks of other communities and would lead to inefficiency in the district offices.

Maulvi ABUL HASHIM: In view of the paucity of Muhammadans in the Upper Division in the Collectorates, will the Hon'ble Minister be pleased to state whether he is prepared to issue instructions to District Officers to fill future vacancies in Upper Division by promoting Lower Division assistants as far as possible without seriously affecting the efficiency of the District Offices?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Promotions are granted purely on merit and not on communal basis.

Dr. NALINAKSHA SANYAL: May I draw your attention to the clock, Sir? It is just an hour since the questions started.

Mr. SPEAKER: If you draw my attention to the clock, I am helpless. In view, however, of the fact that my attention has been drawn, I am afraid that we can no longer go on with the questions, and the rest of the questions must wait till to-morrow.

The Hon'ble Mr. Nalini Ranjan Sarker will now present his supplementary estimates.

SUPPLEMENTARY DEMAND FOR GRANT.

Supplementary Statement of Expenditure for 1937-38.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir I beg to present Supplementary Statement of Expenditure for 1937-38.

Rai HARENDRA NATH CHOUDHURY: On a point of order, Sir. I submit that at this stage a supplementary estimate of expenditure cannot be submitted under section 81 of the Government of India Act. Section 81 of that Act says: "If in respect of any financial year further expenditure from the revenues of the province becomes necessary over and above the expenditure theretofore authorized for that year," and so on. The estimate that is presented says that this expenditure under "25—General Administration" "is on account of the cost, over and above what was provided for in the budget, that will be involved in the event of these measures being passed into law," viz., the Bengal Ministers' Salaries Bill, 1937, the Bengal Legislative Chambers (President's and Speaker's Salaries) Bill, 1937, and the Bengal Legislative Chambers (Members' Emoluments) Bill, 1937. But, Sir, all these Bills have not yet been passed, so far as my information goes, by the Upper House, and therefore proposals for such expenditure cannot come up now. Were it proper to bring forward these proposals for expenditure now, then these proposals could as well have been brought forward in connexion with the main budget. In order words, if it is meant that these proposals could not have been brought forward before because of the fact that these Bills were not passed at that time, then I submit that these proposals cannot be brought forward even now when these three Bills have not yet been passed into law. The expenditure, I submit, Sir, has not yet become necessary in that view?

Mr. SPEAKER: Will the Hon'ble the Finance Minister please answer?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, at the time when the budget was presented, Government could not very well foresee what the expenditure would be. I submit that supplementary estimates could always be introduced in anticipation that it was to be incurred.

Rai HARENDRA NATH CHOUDHURY: But not this kind of expenditure.

Mr. SPEAKER: It is not necessary to have an elaborate discussion. It would be quite enough if we were to look to section 81 itself. In section 81 the language is "becomes necessary". If it is the contention

that that expenditure has become necessary, then a supplementary demand comes in. But in case of an expenditure already incurred,—that does not become a supplementary demand but an excess expenditure, and Government will have to put in a motion for an excess demand but not a supplementary demand. A supplementary demand is always in the nature of an anticipation of what is likely to be. And if these Bills are not passed, even then Government anticipating that certain expenditure may be necessary may bring forward a demand for supplementary grant. Of course, it is for the House to decide whether they will accept it or not, but, as I read the section, I interpret the words "becomes necessary" as one which might be anticipated to be necessary, no matter whether that expenditure is actually incurred or not.

Rai HARENDRA NATH CHOUDHURY: Sir, my next submission would be that if anticipatory demands could be made on these lines, then they should have been made in the budget.

Mr. SPEAKER: I quite agree that it is in the nature of an anticipatory demand, but that does not rule out the making of a supplementary demand.

Rai HARENDRA NATH CHOUDHURY: It is irregular, Sir.

Mr. SPEAKER: Yes, admitting your contention to be correct, at the worst it may be irregular that a demand should be taken twice by the House, but I cannot rule the motion out on the ground of mere anticipation. So, I think it is not out of order. In any case, the utmost inconvenience would only be that the time of the House would be taken up twice.

Mr. TULSI CHANDRA GOSWAMI: On a point of order, Sir, that here every demand for a supplementary grant is a sort of contingency, and, therefore, if these demands have got to be passed—and of course I do not want to make a political speech, although I think it is open to me to make a political speech—as I am on a point of order these contingent demands have no right to a hearing in this House and to a wastage of the time of this House.

Mr. SPEAKER: It is for the House to decide—to hear or not to hear.

Rai HARENDRA NATH CHOUDHURY: Supposing the Upper House alters the Bills and increases for instance the Members' emoluments, then, will there be a further supplementary demand in this connexion?

Dr. NALINAKSHA SANYAL: As a matter of fact, one of the Bills has been modified by the Upper House.

Mr. SPEAKER: I might say that the question of budget is merely giving an authority to Government for expenditure up to the amount budgeted for, and supposing that in the midst of a year Government pass a Bill withdrawing certain statutory commitments—that does not mean that Government cannot put the amount in the budget.

Dr. NALINAKSHA SANYAL: Before you give a ruling on this point, Sir, may I submit that the difference between this House and the British Parliament lies in the fact that in Parliament there are two stages—passing of the budget and an appropriation Bill. But, here, unfortunately passing of the budget amounts to appropriation itself. Therefore, Sir, I submit that we should proceed with greater caution, and section 81 has therefore provided that until and unless an expenditure has been actually incurred, there can be no further demand.

Mr. SPEAKER: The distinction between a supplementary demand and an excess demand will be found in section 122 of the Rules and Standing Orders. In the case of an excess grant the money has been spent, and a supplementary demand arises when the money becomes necessary, and, now, as I was saying, whether money is necessary or not, the statutory authority is absolutely immaterial for my purpose in order to admit it. It is for the House to decide whether the money should be sanctioned or not, and if the House thinks that a certain Bill has not been gone through, it is open to it to reject it. It will also be open to Government to bring forward a supplementary demand. This demand has been brought forward to-day and the House is voting upon that. The House has the authority to decide whether demand should be granted or not. The sanction of the House as a check upon whether money should be spent or not is irrespective of the consideration as to whether there is any legislative enactment for the purpose or not, and for my purpose, even if Government had not mentioned that something has been passed and something is lying with the Upper House, it would be within the rights of the Assembly to agree or disagree to it. I hold, therefore, that Mr. Sarker's motion is in order.

Ruling of Mr. Speaker as to how far an Amendment is within the scope of the Bill.

Rai HARENDRA NATH CHOUDHURY: Then, Sir, we are asked to vote on contingencies.

Mr. SPEAKER: Well, a large part of the budget deals with such contingencies after all. At this stage I may say that my attention was drawn on Tuesday last by Mr. Curtis Millar and by other members as

regards the scope of the Bill. I would like to ask whether it would not be desirable to have a uniform procedure in this matter. If so, I would like to state before the House the reasons which will guide me in admitting an amendment, so that the members can decide accordingly. On Tuesday last when the Bengal Tenancy Bill was under consideration, a question was raised as to whether certain amendments were within the scope of the Bill and I promised to give my decision to-day. I have since then looked into the matter, as far as it was humanly possible to do so within the short time.

The question as to whether an amendment is within the scope of the Bill is not altogether free from difficulty and the matter is rather intricate and complex. No handy reference is easily available and one has to look up for practice and precedents to the numerous volumes of reports of paliamentary and legislative proceedings both in India and in England. It should also be realised that we are still so early in the life of the newly constituted Legislative Assembly. And experience that we shall gradually gather will be our best guidance for the future. I do not therefore propose to do anything more than indicate the broad outline of the principles for our present purposes.

Under Standing Rule 44(*1*), an amendment must be relevant to and within the scope of the *question to which it is proposed*. Now "relevancy" is of much wider connotation than "scope" and what is relevant may not be within the scope. Both these tests must be satisfied before an amendment is in order.

Broadly speaking all amendments are out of order if they are not relevant to the Bill. A Bill which is limited in aim, scope and object cannot by means of amendments create any more extensions of rights beyond the principles and the provisions of the Bill. Neither is it open to insert new principles beyond those which a Bill seeks to affirm or enact. An amendment which cannot be properly proposed to a clause of a Bill and not relevant to it having regard to its subject-matter and context is irrelevant to the clause itself, though it may be possible to have this amendment as a new clause, if within the scope of the Bill.

The scope of a Bill has to be determined with reference to its preamble and its aims and objects and with due regard to citations and provisions in the Bill itself. It is in consideration of these three together, but not taking any one in isolation, that an amendment relating to the scope of a Bill has to be scrutinised.

In this connection I shall draw the attention of the House to the difference in practice as to the nature of the preamble and long title in the House of Commons and in India. To-day in England the governing part of the preamble has been practically deleted, whereas in India the object of the Bill still finds a place in the preamble. In England the general framework is "to be enacted by——" without any specification

of the object, whereas in India the preamble is "Whereas it is expedient that such and such a thing should be done, it is hereby enacted" and this difference must be of some constitutional bearing on the question of discussion.

If a Bill has an "open" preamble, *i.e.*, if it amends the Act without any reservation (*e.g.*, whereas it is expedient to amend——Act) amendments to all the sections of the Act will be generally within the scope of the Bill. It would throw the whole law into the crucible, expose to amendment, not merely the particular provisions which the introducer of the Bill desires to alter but all other provisions of the law which appear to be in any way open to criticism. On the other hand, if a Bill has a "closed preamble", viz., the Bill seeks to amend only certain sections of an Act or an Act in any particular manner (*e.g.*, whereas it is expedient to amend——Act, in the manner hereinafter appearing) amendments to other sections of the Act, due regard being paid to the preamble, the Statement of Objects and Reasons, the citations of the Bill be out of order. Amendments in furtherance of the objects of the Bill should be within the scope, and all foreign matters will be out of order. The tests I would apply in deciding the amendments with reference to the scope of a Bill are—

Whether a secure peg can be found in the Bill as originally introduced on which to hang the amendment. Whether the case for the amendment, viz., the argumentative justification for it depend substantially on the provisions of the Bill as introduced as does cohere with the rest of the Bill. On the other hand, these tests should not be so rigid and narrow as to deny the House the opportunity of giving a workmanlike design to the scheme of the Bill as introduced.

It is obvious that amendments are never intended to be a substitute for new legislation and they cannot be so, for it will otherwise deprive the members the right to give their thought, consideration and time to their provisions, which they would be entitled to do if they were in the form of a Bill. The members get much more time to propose change in a Bill. They can consider upon the substantive provisions of a Bill as to whether public opinion is to be consulted or not, whether it requires reference to a Select Committee. A Bill may receive altered character and design after circulation. In the Select Committee it may receive a new shape and form within the scope of its principles. Members are also normally entitled to longer notice for a Bill than for amendments, while amendments give much less scope to the members in their task of critical analysis.

The present Bill can be divided in three parts, (1) the repealing provisions, (2) the modifying provisions and (3) the new inserting provisions. There are certain other provisions merely of consequential character and it is not necessary to enumerate them.

It is a common ground as brought out on the floor of this House that this Bill does not aim at giving any more right to the under-raiyats as such, beyond giving occupancy under-raiyats the same right of transfer as occupancy raiyats. Any incidence of the under-raiyat, any incorporation of new rights for under-raiyats as such and not of under-raiyat with occupany-rights would thus be obviously out of order. Again if in an Act, different subjects are classified under different chapters, and a section dealing with one class of subjects is sought to be amended by the Bill, amendments extending the scope of the section and affecting the classes other than those mentioned in that chapter should be out of order. For example, in the Bengal Tenancy Act different chapters are devoted to different classes of raiyats, namely, Occupancy raiyats (Chapter V), Non-occupany raiyats (Chapter VI), and under-raiyats (Chapter VII). The Bill seeks to amend sections in Chapter V. Any amendment which would affect any other class of raiyats, such as under-raiyats, not included under Chapter V, would be outside the scope of the Bill. Again due regard must be paid to the Statement of Objects and Reasons. For instance, if it is said that the purpose of the Bill is to allow structures to be built solely for the religious purposes, any amendment which would allow structures to be built for any purpose not solely religious would be held to be out of order.

This brings us to the question as to how a section which is touched by the Bill is open to amendment. Every such question has to be decided on its own merits. If the Bill seeks to change the proviso of a section, to give a new character to the section, the whole section may be open to amendment, as a change in substance in proviso may change the whole design of the section. But if it is merely to improve the drafting or to make the intention more clear, amendments of a drafting nature which may further improve the language of that section may be admitted but amendments which change the substance are out of order. To give a concrete instance, it is proposed to substitute the word "raiyat" by the word "Landlord" in section 48E, obviously to make the real sense and import of the word clear. This is a pure drafting matter and any other change of substance will be out of place.

The general principle is that amendments must be relevant to the question upon which they are moved. It follows from the nature of an amendment, that its contents ought to have some bearing upon subject introduced by the principal motion; further, every amendment must be drawn up so as to leave the question, if altered in accordance therewith, in an intelligible form. The requirement of relevancy extends to an insistence upon each amendment being related to the particular clause in connection with which it is moved. All amendments must also be relevant to the scope of the question. This is, however, subject to this that anything which is of a consequential nature or anything which is

necessary to make a clause a workmanlike job, comes within the scope of the question and is relevant to it but such relevancy must mean that it bears some relationship to the question which is specifically put before the House.

The fundamental principle, almost interwoven everywhere with the basic framework of any constitution is that the law-making power of the Legislature has always to be exercised with due caution and scrutiny and legislation always involves a lengthy process of procedure. For a legislature is the highest expression of the will of the sovereign; it can overthrow even the fundamental principles and in every country continually infringes on the rights of the citizens as embodied in the existing laws of the land. Once a Bill is, therefore, in a particular form before the Legislature, it is a salutary principle that there is no intention to make any alteration in the laws beyond what it explicitly declares, either in express terms or by clear implication. In other words, a Bill must for the time stand by its immediate scope and object and all other matters outside these limits much remain undisturbed until fresh proposals are brought up in the form of a new Bill. A Bill has, therefore, to be kept within limits of its scope of its objects and reasons and must not disturb the other existing laws beyond what its scope requires. Any departure from this principle may throw the entire body of laws into sudden jeopardy and there will hardly be any line of demarcation between the legislative expression in a parliamentary democracy and the arbitrary will of a tyrannical sovereign.

It is not necessary for me at this stage to say anything more than indicating the general principles which I wish to follow in connection with this Bill in admitting the amendments. The specific items will be dealt with at the proper places and I shall be very glad to hear if the members concerned have anything to say with respect to their motions at the appropriate time and place.

Mr. SANTOSH KUMAR BASU: Having regard to the clear and explicit way in which you have dealt with this subject may I suggest in all humility that copies of your ruling be circulated to all the members.

Mr. SPEAKER: Yes. I propose to have it printed.

Maulvi ABUL HASHIM: Sir, you promised to give a ruling as to how private Bills ought to be circulated. May we have your decision on that point?

Mr. SPEAKER: Not now, it will be done in proper time.

Mr. TULSI CHANDRA GOSWAMI: You deserve the thanks not only of myself but of the House for having prepared that long essay which you have read out to us. As my friend Mr. Santosh Kumar Basu has told us, it would be a great kindness if we could have copies of that essay. Many questions have been raised there and although I sympathise with you, Mr. Speaker, in your effort to make parliamentary history, there are certain confusions which very humbly and very respectfully I cannot help pointing out. You have spoken of a sovereign legislature. This is not a sovereign legislature, it is a creature of statute. Then with regard to the analogy between the House of Commons and the procedure in this House we have to be very chary and careful. In small matters it does not matter. When my learned friend Dr. Nalinaksha Sanyal raises a question on a point it does not probably affect the course of legislation. But when you are trying to fix the course of legislation it would perhaps be meet and proper with due regard to your office and the austerity of your position I suggest that you take the House into confidence.

As regards the amendments, I heard with astonishment some of the things you said with regard to the amendment of the Bengal Tenancy Bill—perhaps I was wrong——

Mr. SPEAKER: I said that these were the principles which I wish to follow, and that I would hear the members on the amendments on those matters. I think it would be better if you discussed those matters at the time when a concrete amendment was under discussion. As I said, it was only an enunciation regarding the general principle that I was going to follow. I would give full consideration to any concrete case in the appropriate time.

Mr. TULSI CHANDRA GOSWAMI: I know your desire to be impartial. One of the things I state openly in this House is that you are an impartial Chair in this House. That question does not arise. But on a particular question raised in that very long statement I think there is room for difference of opinion and you have collated certain things from certain rules and procedure in England and in the House of Commons——

Mr. SPEAKER: I have made a distinction between England and India.

Mr. TULSI CHANDRA GOSWAMI: It should be made clearer in this House and before passing it as your ruling I think you ought to give us an opportunity of saying what we have got to say on the point.

Mr. SPEAKER: If you raise the point in proper time, I shall consider.

Khan Bahadur MAHTABUDDIN AHMED: Sir, on a point of order. After the House has given its verdict for the abolition of the landlord's fee of 20 per cent., is the amendment of Mr. Md. Abdul Jabbar Palwan in order? It wants to put in what has already been deleted.

Mr. SPEAKER: I think you had better mention this point when that amendment comes up.

Rai HARENDRA NATH CHOUDHURY: One question of order is still outstanding and we expect that you would give your ruling on that point: it is about repealing and reinstatement clauses—I mean the new amendment that Sir Bijoy has proposed.

Mr. SPEAKER: Do you mean the pre-emption clause? If that be so, I have considered it very carefully and I think that Sir Bijoy's amendment is in order. A section that deletes a pre-emption again deals with pre-emption and that pre-emption may be in favour of a certain class of persons. But the substantive clause gives the same right of pre-emption to another section of people. It does not go beyond the intention of the section.

Rai HARENDRA NATH CHOUDHURY: You will find in May's book, at page 405 that an amendment the object of which is the continuance and the extension of a clause to the repeal of which a Bill is limited is out of order.

I submit that this is a continuance and extension of the original clause for pre-emption, therefore it is out of order. My point is that in the original Bill it is proposed to delete 26F altogether. Now it is proposed to insert 26F with an extension that is a pre-emption in favour of co-tenants. I submit that after proposing the deletion or omission of clause 26F it is not open to the Hon'ble Minister now to propose another clause granting the very right of pre-emption to certain other persons: that will not be in order, because that will be inserting a new clause in place of the clause which it is proposed to delete altogether.

Mr. SPEAKER: I may make it clear. If Government want in a particular Bill to delete a clause, it is open to any member to move a substantive clause in place of it. The right of the House is to the entire seizin of that section. It is open to the House to say how it will exercise that right—by total abolition of that right, or modification of that right or substitution of that right.

Rai HARENDRA NATH CHOUDHURY: My submission is that Sir Bijoy cannot introduce that clause. That will not be in consonance with the statement of Object and Reasons of the Bill.

Mr. SPEAKER: That is an entirely different matter. I can't say he cannot. As a matter of fact it is an amendment of Mr. Surendra Nath Biswas to which Sir Bijoy suggests some drafting changes and the member has accepted it. It is a general convention in India that a member can move an amendment to his own Bill, for example, in almost every Bill you will find that the member in charge moves an amendment of some of the clauses. That has been the practice and I do not want to change that practice. It is a salutary practice.

Kumar SHIB SEKHARESWAR ROY: On a point of order, Sir. My submission is that it creates a new set of right in a new class of people. Again it is barred by section 299 of the Government of India Act. It involves a modification of right in land of a particular class of people.

Mr. SPEAKER: The Governor in his discretion has given general sanction to all the amendments which I hold in order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I submit that as it has devolved upon you to create new parliamentary practice and in view of the fact that in the House of Commons a controversial Bill is never sent to a Select Committee and as we have undertaken to proceed with this complicated Bill in this House, you will kindly be pleased to rule that we have consideration of this Bill made as in a Committee of the whole House so that as you have already admitted and allowed members may speak more than once if it is found necessary. If the Hon'ble Minister himself wants to bring any motion which may with little stretch of imagination be found contradictory, all that may be permissible if we meet in a committee of the whole House. So I submit that you may be pleased to follow the procedure as in the Committee of the whole House instead of the formal procedure of the House as we normally and ordinarily follow.

At this stage the House was adjourned for 15 minutes.

(After adjournment.)

GOVERNMENT BILL.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Before I actually move the amendment which is under discussion, may I at this stage, apropos of the general principle that has been enunciated by you with regard to amendments being in order or out of order, submit to you a list of amendments which, in my opinion, are out of order, for your consideration.

Mr. SPEAKER: I will take them into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the amendment No. 351A was under discussion and on this amendment exception was taken to the words "except on the ground that the transferor had no transferable interest in the holding or portion or share thereof transferred". May I suggest a slight verbal alteration which I hope will be acceptable to everybody?

Mr. SPEAKER: Will you please read the amendment as altered.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: "351A. I beg to move that in clause 4 in proposed sub-section (*4*) of section 26C at the end the following be added, namely, and after receipt of the said notice, the landlord or landlord's agent, as the case may be, shall not refuse to recognise the transferee as the tenant in respect of the holding or portion or share thereof transferred nor omit to enter the transferee's name in the landlord's rent-roll, in place of the transferor or where only a share or a portion of his interest has been transferred along with the transferor.

Provided that such recognition shall not operate as an admission of the amount of rent or the area or any incident of such occupancy holding other than the existence of a right of occupancy therein or be deemed to constitute an express consent of the landlord to the division of the holding or to the distribution of the rent payable in respect thereof."

This is the modified form of the amendment.

Mr. PRAMATHA NATH BANNERJEE: Sir, this is a very strange procedure. We have not got copies of the amendments moved by the Hon'ble Revenue Minister and it is not fair on the part of any Government to ask legislators to accept amendments of which no notice has been given.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I just beg to remind my hon'ble friend that notice of this amendment was circulated three days ago and I only now want to change one line which I think does not materially alter the amendment.

Mr. SPEAKER: So far as the original amendment of the Hon'ble Sir Bijoy Prasad Singh Roy is concerned, it said that landlord shall recognize the transferee but in whose place it was not mentioned, therefore he would now add the phrase "in place of the transferee where only a share or portion of his interest has been transferred along with the transferor". This makes the meaning clear. He would

delete the words "except on the ground that the transferor had no transferable interest in the holding or portion or share thereof transferred".

Mr. SURENDRA NATH BISWAS: May I submit, Sir, that three other words should be added "interest of the transferor is transferred". Suppose there are two co-sharers; one transfers his holding and the other his share of the tenancy. So, what the Hon'ble Revenue Minister wants is that if a share or portion of the transferor's right or transferor's holding is transferred, then along with the transfer or the interest of the transferor is transferred.

Mr. SPEAKER: That is not strictly the words in this case. Supposing the landlord has no other co-sharers in the land, by this you are forcing him to do it.

Mr. RASIK LAL BISWAS: Sir, I beg to move that for amendment No. 351A moved by Hon'ble Minister in charge of the Bill to clause 4 in proposed section 26C(*4*), the following be substituted, namely:—

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I object to this amendment being moved because it is outside the scope of section 26C, as it says "after receipt of the said notice, the landlord or landlord's agent, as the case may be, shall recognise the transferee as the 'separate tenant' ".

Mr. SPEAKER: Why do you think that it is beyond scope of section 26? What is the object of section 26?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, section 26 only suggests that the transferee's name should be substituted in place of the name of the transferor, or if the transferee only parts with a portion of his holding, the transferor's name should be added along with his name. But here the proposal is one for separation of the holding.

Mr. SPEAKER: I think it is in order.

Mr. RASIK LAL BISWAS: As I was saying, my amendment is to be substituted for the Hon'ble Minister's amendment No. 351A, viz., to proposed clause 26C (*4*), the following be substituted, namely:—

"and after receipt of the said notice, the landlord or landlord's agent, as the case may be, shall recognise the transferee as the separate tenant in respect of the holding or portion or share thereof transferred and shall enter the transferee's name in the landlord's rent-roll:

Provided that such recognition shall not operate as an admission of the amount of rent or the area or any incident of such occupancy therein."

Sir, in moving this amendment, I beg to point out that what has been provided in the amendment of the Hon'ble the Revenue Minister is that the transferee shall be joined with the transferor and will be a joint tenant with him, and the difficulty of the transferee regarding the joint tenancy will remain and it so happens that when a transferor has failed to pay the arear rent, then for such default the entire holding will be sold and the transferee in collaboration with the landlord may buy up the holding from the co-sharer tenants and in various ways put the co-tenant of the transferor into difficulties. So there should be a clear separation, so that the other co-tenants of the transferor may not be put in difficulty by the transferee, and with this object in view I move this amendment.

Kumar SHIB SHEKHARESWAR ROY: Sir, I should like to point out that this amendment is beyond the scope of the Bill. With regard to the word "separate" which occurs in the third line of the amendment, I may point out that separation of tenancy is governed by section 88 of the Bengal Tenancy Act and unless you amend that section, you cannot adopt this amendment. It should involve an elaborate procedure of opening a separate account for the parties. So it is beyond the scope of this Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I may point out that it militates against section 146A; that is exactly what I thought when I raised objection to his amendment. There is the principle of joint and several liability involved.

Mr. SPEAKER: How does it militate against section 146A?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A separate tenancy means a separate holding—where as joint and several liability means a common holding. The mover speaks of a separate tenancy and without joint liability.

Mr. SPEAKER: Then your contention is that the word "separate" is objectionable. In view of what the Hon'ble Minister has said, it seems that the mover wants not only to introduce the word "separate" but his object of introducing the word "separate" is to create a separate liability and do away with the joint and separate liability under section 146A.

Mr. RASIK LAL BISWAS: I do not want to do away with the liability but I want to do away with the mischief that may be done by the transferee. If, however, the Hon'ble Minister objects to the word "separate", I would delete it.

Mr. SPEAKER: If you delete the word "separate," then nothing remains in your amendment.

Mr. RASIK LAL BISWAS: There will be something in it.

Mr. SPEAKER: I may therefore take it that Mr. Biswas moves his amendment by the deletion of his word "separate".

Maulvi ABDUL BARI: If the word "separate" is deleted, Sir, then the whole thing goes altogether.

Mr. SPEAKER: I cannot allow members to change their mind so often. The mover had already agreed to the deletion of the word "separate" and he should stick to it.

In view of the motion of the Hon'ble Sir Bijoy Prasad Singh Roy, the amendment of Mr. Manmatha Nath Ray (No. 351C) did not arise.

Mr. SPEAKER: The amendment which are now before the House are—

Nos. 207-212, 351A, 351AA, 99, 115-116, 152, 217-231.

I shall now put these amendments to vote.

I think I had better put the amendments of the Hon'ble Sir Bijoy Prasad Singh Roy first, relating to the deletion of the notice fee, the prescribed cost and all necessary consequences, viz., Nos. 207 to 212.

The following motions were then put and agreed to:—

The Hon'ble Sir BIJOY PRASAD SINGH ROY moved that in clause 4 in proposed section 26C(*1*) in line 12 the words "and a landlord's notice fee of one rupee" be omitted.

That in clause 4 in proposed section 26C(*1*) in lines 14 and 15 the words "and the prescribed cost of transmission of such notice fee to" be omitted.

That in clause 4 in proposed section 26C(*2*) in line 4 the words "notice fee" be omitted.

That in clause 4 in proposed section 26C(*2*) in line 4 the words "and transmission cost" be omitted.

That in clause 4 in proposed section 26C(*3*) in line 10 the words "notice fee" be omitted.

That in clause 4 in proposed section 26C(*2*) in lines 10 and 11 the words "and transmission cost" be omitted.

Mr. SURENDRA NATH BISWAS: I beg to point out that the consequential steps should be taken and the transmission cost be omitted.

Then the following motion was put and agreed to:—

The Hon'ble Sir BIJOY PRASAD SINGH ROY moved that in clause 4 in proposed sub-section (*4*) of section 26C at the end the following be added, namely:—

"and after receipt of the said notice, the landlord or landlord's agent, as the case may be, shall not refuse to recognise the transferee as the tenant in respect of the holding or portion or share thereof transferred nor omit to enter the transferee's name in the landlord's rent roll in place of the transferor, or where only a share or a portion of his interest has been transferred, along with the transferor:

Provided that such recognition shall not operate as an admission of the amount of rent or the area or any incident of such occupancy holding other than the existence of a right of occupancy therein or be deemed to constitute an express consent of the landlord to the division of the holding or to the distribution of the rent payable in respect thereof.

Mr. Rasik Lal Biswas' amendment (No. 351AA) did not arise.

Nos. 115, 116, 119 and 217-231 also did not arise in view of the acceptance of the Hon'ble Revenue Minister's amendments.

The following motion was put and agreed to—

That in clause 4 in the proposed new section 26C(*1*), in line 10, in the place of the word "sold" the word "transferred" be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Would you put clause 4 now or after clause 26F is carried?

Mr. SPEAKER: You want to take it after clause 26F. I have no objection. The only question that remains now is clause 26F.

Mr. SURENDRA NATH BISWAS: Before the Hon'ble Minister moves his motion, I desire to point out one thing. I moved my amendment No. 378 and in the course of the debate the Hon'ble Minister told you that he was prepared to accept my amendment. Later on when you put the amendment before the House you read out the amendment. In that written amendment before you, you will find that the word "lease" does not appear. But in the typed amendment that has been circulated to us, I find that the word "lease" appears. That means that the co-sharer tenant will not be

entitled to a transfer. The Hon'ble Minister accepted my amendment to delete the word "lease". In the circumstances, can the Hon'ble Minister now move the amendment in its present form?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Besides the word "lease", I want to suggest certain other alterations in the draft amendment that I have circulated, *i.e.*, new clause 5A which I propose to move. The changes that I propose in sub-clause (*b*) are a transfer by bequest, exchange, lease, partition or gift including *heba* but excluding *heba-bilewaz* for any pecuniary consideration. That remains but I add only this portion "other than in favour of the wife of the donor". That is what I propose to add there and in (*c*) in accordance with the provisions of the Muhammadan law. The rest of the clause goes out. These are the changes that I suggest. I understand that Maulvi Tamizuddin Khan gave notice of an amendment on these lines. I discussed this matter with him as these things affect the Muhammadan community, I think they should be given the option as to the form in which they would like to have the law amended and the House should accept the opinion of the community.

Kumar SHIB SHEKHARESWAR ROY: On a point of order, Sir. I submit that the clause is beyond the scope of the present Bill, as it is beyond the scope of the Bengal Tenancy Act of 1885. Let me read the preamble of the Bengal Tenancy Act to which this amending Bill has been brought forward: An Act to amend and consolidate certain enactments relating to the law between the landlord and tenant within the territories under the administration of the Lieutenant-Governor of Bengal. It is a law between the landlord and the tenant but what the Hon'ble Minister proposes is a law between a tenant and a tenant. It is, therefore, beyond the scope of the present Bill.

Mr. SPEAKER: The only point which has been brought before me is that the scope of the Bengal Tenancy Act relates to a reciprocal relationship between the landlord and the tenant; I do not agree to that. When it says between the landlord and the tenant it wants to convey a meaning as between the landlord and the tenant, but it can be interpreted and rightly interpreted that it is not only a law between a landlord and a tenant but also a law between a tenant and a tenant. I do not want by this to do anything which might curtail the legitimate rights of landlord and of tenant.

Kumar SHIB SHEKHARESWAR ROY: Can the Hon'ble Minister quote any section of the Bengal Tenancy Act which deals with the relationship between a tenant and a tenant?

Mr. SURENDRA NATH BISWAS: I think every member of this House will bear me out when I say that the Hon'ble Minister accepted my amendment subject to some verbal alterations. After the verbal alterations were made, you read out that amendment before the House and in that amendment there is no mention of the word "lease". Now the Hon'ble Minister again amends that amendment and he is putting in the word "lease" and also other things but of this he has not sent us a copy.

Mr. SPEAKER: I quite understand the difficulty that is created by such sudden changes in the amendments, and I do not deny that by so doing we are sometimes bringing such a confusion among ourselves that it is difficult for members to know what amendments are before the House. For the time being I find that this amendment has been admitted and it is within the scope of the Bill. I do not wish this to be treated as an amendment of Mr. Surendra Nath Biswas but as a new amendment by itself. The only thing is that the amendment of Mr. Surendra Nath Biswas will remain and the Hon'ble Minister can move his amendment to the section itself. The only substantive change is the deletion of certain provision which is nothing but verbal and the inclusion of the words "other than in favour of the donor." That is also one which is in keeping with the harmony of the section itself. If not, I would have ruled that out, but I find that quite a number of members have given notice to the same effect and I, therefore, rule that it is in order.

Mr. TULSI CHANDRA GOSWAMI: I wish to say something on behalf of the opposition. (The Hon'ble Sir BIJOY PRASAD SINGH ROY: Is that a point of order?) Yes, I do rise on a point of order and it is a very serious point of order which you cannot meet.

Mr. SPEAKER: Mr. Goswami, I am sorry I never found you to be so unparliamentary as you are to-day.

Mr. TULSI CHANDRA GOSWAMI: I admit I have been unparliamentary and I plead guilty to the charge and I am very sorry for it. It is a very serious matter and what I meant was that before I raised the point of order the Hon'ble Minister should have reserved his temper until he had heard from me. The point of order is this that verbal alterations have been suggested and the word "verbal" has been used both by you, Sir, and by other members, but a verbal alteration in a Bill is a very serious matter. After all, we are legislating here. At least we are pretending to legislate here and copies of amendments including those verbal amendments should be circulated to the House. May I not expect that?

Mr. SPEAKER: I think it is a very legitimate point that ha been raised and the only thing that I can say is to postpone it for th present and ask Secretary to circulate it.

Clause 3.

Mr. SPEAKER: Before I take up this clause I find that th Nationalist group as well as the European group have given notice c certain amendments proposing the deletion of this clause. I have ha an opportunity of looking into the Standing Orders and Rules and find under Standing Rules 41(*2*) and 44(*2*) an amendment cannot b moved which has the effect of a negative vote. The question befor the House will be that clause 3 stands part of the Bill. If clause stands part of the Bill, then the motion that clause 3 be deleted ha merely the effect of a negative vote and as such the same purpose wi be served if clause 3 is put to vote. Members are entitled to do tha but so far as voting is concerned, I think it will quite do if thes deletion portions are put before the House with the substantive provi sions of the clauses.

Kumar SHIB SHEKHARESWAR ROY: It has been the practic always to allow this sort of amendment and it would be rather a drasti change. Then there is no such question before the House. A Ministe does not move that a particular clause be taken into consideration The substantive clauses are never moved in the House. So there i no question of a negative vote.

Babu JATINDRA NATH BASU: When a motion is that a parti cular clause be deleted, I submit that is a positive motion for the deletio of a particular provision in the Bill itself. Several amendments are sen in for making substantive or verbal alterations so that if you put afte all those amendments the clause, as amended, to the vote of the Hous that would be a different thing from the deletion of the clause Deletion of a clause is a thing independent by itself and may not b the clause as ultimately put to the House. It is, therefore, necessar that it should be admitted.

Mr. SPEAKER: Mr. Millar, I want to know your views in th matter with reference to section 44 (*2*) of the Standing Orders, viz. that an amendment may not be moved which has merely the effect of negative vote. Now, when you give notice of a motion that clause be deleted or omitted, does it not amount to a negative vote?

Mr. C. MILLAR: Mr. Speaker, Sir, a motion to omit a clause give the House an opportunity to discuss the clause as it was originall drafted, whereas if subsequent amendments are made, the House ma

have no opportunity whatever to vote on the clause as originally placed before it. Therefore, a motion to omit a clause has a definite, positive, content of meaning, and, I think, the House should be given an opportunity of discussing the matter.

Mr. SPEAKER: Though I do not agree that that follows strictly as a logical corollary to the relevant Standing Order, I do not want to change the convention hitherto followed all along, viz., that such amendments have been allowed in the past.

Kumar SHIB SHEKHARESWAR ROY: That is the right course to follow, Sir.

Mr. SURENDRA NATH BISWAS: Will you, Sir, allow the motion that clause 3 be deleted to be considered at all? Clause 5 deals with sections 26D, 26E, and 26F. The House has already voted for the repeal of sections 26D and 26E, and section 26F only remains. If clause 3 be deleted, what would be the effect? Clause 3 says that sections 26H, 26I, and 26J—these three sections—shall be repealed. That means that clause 3 says that sections 26A to 26G do remain.

Mr. SPEAKER: Mr. Biswas, I agree to your taking clause 3 first, but don't you think that clause 3 should be taken up after section 26F has been disposed of?

Rai HARENDRA NATH CHOUDHURY: I submit, Sir, that before disposing of section 26F you cannot take up clause 3 at all.

Mr. SPEAKER: Then, we proceed to clause 6.

Mr. SURENDRA NATH BISWAS: I submit, Sir, you cannot do that. Clause 3 says that sections 26H, 26I, and 26J be deleted, and clause 6 says that section 26G do remain.

Mr. SPEAKER: What of that?

Mr. SURENDRA NATH BISWAS: Because clause 6 says that section 26G be amended. But there is an amendment that section 26G of the Act be repealed. There is a substantive motion before the House, and there are good reasons for that motion. Now, before considering the amendment to section 26G, the House should consider whether section 26G should be deleted from the Act.

Mr. SPEAKER: I am quite prepared to consider your point, to meet your objection, that the proper place for the deletion of section

26G is not in clause 3 but in clause 6. In other words, where Government propose a substitution of section 26G, it is open to any member to give notice for the deletion of section 26G under clause 6, and if there is any such motion I am not going to treat it as under clause 3, but under clause 6.

Mr. SURENDRA NATH BISWAS: All right, Sir. If you rule that section 26G be repealed and if that motion be considered along with clause 6, then, of course, I have no objection.

Mr. SPEAKER: Mr. Biswas, will you point out to me where section 26G is proposed to be deleted under clause 3?

Mr. SURENDRA NATH BISWAS: Yes, Sir, that is proposed to be done in amendment No. 68 of Mr. P. Banerji. That means that after section 26G all other sections be repealed.

Mr. SPEAKER: I think the proper place is clause 6, and in view of the amendment of Mr. P. Banerji. I will allow him to move the deletion of clause 6. It is there in its proper place along with others, because that is a separate thing by itself.

Mr. SURENDRA NATH BISWAS: Then, Sir, I would submit that amendment No. 68 be taken up first.

Rai HARENDRA NATH CHOUDHURY: But in connexion with clause 6.

Mr. SURENDRA NATH BISWAS: I do not mind in what connexion—with clause 6 or with clause 3 I am not concerned. But what I submit is that the House should consider first of all whether section 26G should be deleted or not.

Mr. SPEAKER: I will allow you to move it, but I will now take up clause 6.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May we know, Sir, what is your ruling regarding the point which was referred to you by the Party leaders?

Mr. SPEAKER: As regards that my decision is that the practice followed in the past will be followed in the present case also. Although that will not be quite strictly regular, yet in view of past practice I do not want to change it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It may be unnecessary. In view of your ruling, Government do not oppose the moving of these amendments. As a matter of fact, Government want to give honourable members sufficient facilities to move their motions.

Mr. SPEAKER: Maulvi Tamizuddin Khan, your amendment regarding "raiyats or under-raiyats" is beyond scope. Chapter V deals only with occupancy raiyats.

Maulvi TAMIZUDDIN KHAN: Sir, my amendment, No. 390, is purely a verbal amendment, and I think the Hon'ble the Revenue Minister will see the mistake in his own Bill. My drafting also, it seems to me, is not quite correct, and I have sent in a notice correcting my own amendment. In view of that, Sir, I do not move this amendment.

Mr. SPEAKER: Amendment No. 391 is beyond scope. It wants to delete occupancy raiyat and bring in under-raiyat. So, it cannot be moved.

Amendment No. 392 is also beyond scope; so, it cannot be moved.

Amendment No. 409 by Mr. Nagendra Nath Sen relates to section 26F, and that has been disposed of. It was really in clause 5.

Babu NAGENDRA NATH SEN: May I suggest, Sir, that it is the same as No. 378?

Mr. SURENDRA NATH BISWAS: I must again submit to you, Sir, that I am in a fix. With regard to my amendment, No. 410, I am going to move for the deletion of clause 6. That means that if the amendment is accepted, section 26G of the old Act will stand. But I want to submit——

Mr. SPEAKER: It will naturally come under clause 3.

Rai HARENDRA NATH CHOUDHURY: That is consequential.

Mr. SURENDRA NATH BISWAS: I submit that the question of clause 6 does not come in at all in connexion with the question of repealing section 26G.

Mr. SPEAKER: I am quite prepared to give you all facilities to discuss the motion that section 26G be repealed. I find that notice has been given by Mr. P. Banerji of an amendment which substantially is the same as yours.

Rai HARENDRA NATH CHOUDHURY: No, Sir, there is a distinction between the two. If clause 6 be deleted, then the effect of that will be that section 26G will remain; whereas in the other case section 26G will be deleted. That will be a separate motion altogether and on a different basis.

Mr. SPEAKER: Yes, one amendment says that clause 6 be deleted and the other says that section 26G be deleted.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that in view of these difficulties, both clauses 3 and 6 be taken into consideration by the House and discussed by the House as a committee of the whole House, so that after these discussions we may find out the general principles to which the whole House agrees and then find out how to draft the two respective clauses and then come to a decision?

Mr. SPEAKER: As regards section 26G, the whole matter is open to discussion.

Rai HARENDRA NATH CHOUDHURY: But there is one difficulty. If we allow section 26G as it stands to be discussed under clause 6, then Mr. Biswas might not have an opportunity later on to modify it if he desires under clause 3.

Mr. SPEAKER: Why not? Certainly he will have full opportunity.

Mr. SURENDRA NATH BISWAS: Then you allow me to move amendments Nos. 363 and 410 together?

Mr. SPEAKER: Yes.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I know, Sir, which amendment is now being moved by Mr. Biswas?

Mr. SPEAKER: He is moving amendments Nos. 363 and 410. No. 410 fitly comes in here.

Mr. SURENDRA NATH BISWAS: All right, Sir. You allow me to move that section 26G be omitted and also that clause 6 be omitted, together.

Mr. SPEAKER: Yes, two amendments. I think there might be a little misunderstanding with regard to this matter, and I may as well explain it now. We are dealing in this section with section 26G. There are certain motions, one of which is amendment No. 363, and

one part of which is that section 26G be repealed. So, it will probably be advantageous if it is discussed here, because here the member in charge of the Bill wants that section 26G be substituted by one thing. So, if any member wants to repeal section 26G, that fitly comes in here, and I am allowing Mr. Biswas to move the motion at this stage.

Mr. P. BANERJI: May I not, Sir, move my motion at this stage?

Mr. SPEAKER: Mr. Biswas is moving both the amendments, so it is no use your moving your amendment separately. You can take part in the debate, of course.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause (5), for the word, the figure and letter "And 26F", the word, figures and letters "26F and 26G" be substituted. In anticipation, rather in apprehension of the House not accepting my this amendment, I further move that clause 6 be deleted.

Sir, my reasons for moving that section 26G be repealed are as follows: Firstly, section 26G provides that an occupancy raiyat shall not be entitled to effect a complete usufructuary mortgage beyond a period of 15 years, and that he shall not be entitled to create an ordinary usufructuary mortgage for any period. Sir, this section was introduced in 1928 only to safeguard the interests of the landlords in getting the landlord's fee. There was an apprehension at the time that unless such a clause was introduced a raiyat, instead of making an absolute transfer to a third person and in order to avoid the payment of nazarana, *i.e.*, the landlord's fee, might enter into a usufructuary mortgage for a very long period with the prospective transferee, and thus defeat the purposes of section 26C, and that is why section 26G was enacted. Now, Sir, as this House has decided that no landlord's fee shall be payable to the landlord for any kind of transfer—not even a pie, the utility of section 26G goes out.

If after the abolition of the landlords' fee, section 26G be retained even in the amended form as proposed in the Bill, it will be some thing like an enactment between a raiyat and his creditor. The landlord will not come into the picture at all. But it may be pointed out that sections of the Bengal Tenancy Act must bear some relation to the relationship between the landlord and the tenant. Such an enactment is, therefore, beyond the purview of the Tenancy Act.

Secondly, Sir, this section 26G restricts the right of the raiyat to mortgage his land in any way he likes. He is prohibited from entering into an ordinary usufructuary mortgage and as regards complete usufructuary mortgage he is not entitled to create it beyond 15 years.

I submit that when the absolute right of the raiyat to transfer his land is admitted, it is illogical to restrict his right of transfer in this way. Usufructuary morgages are created for the purpose of raising loan. It will be a great hardship and inequitious if the raiyat is restricted from raising loan in the way he thinks best. It seems that the Government is anxious to restrain the raiyat from incurring debts. This anxiety has no logic behind it. The Government is not going to advance money at the time of the raiyats' need. Money-lenders also have no faith in the credit of the raiyat. What therefore can be the reasons for the raiyat to be restrained from raising loan by an usufructuary mortgage which is the simplest way for him for that purpose. A legislation which has no meaning nor logic behind it and which is not actually to the benefit of the raiyat himself should not, therefore, find plame in the statute of the land. I shall, therefore, ask the House to accept my motion that section 26G be repealed.

Then I move that clause (*6*) be deleted. Clause 6 proposes to lay down that an usufructuary mortgage whether ordinary or complete shall cease to have any force beyond 15 years, although these might have been created before the 1st day of April, 1929. Under the existing law, a complete usufructuary mortgage could not be created for a period beyond 15 years. But clause 6 declares all usufructuary mortgages created before the 1st April, 1929, ineffective beyond 15 years. This means repudiating the debts of a raiyat which he is legally bound to pay. We do not see any justification for such repudiation.

Now, members of this House must bear in mind that 90 per cent. of the usufructuary mortgages in villages are executed between a raiyat and a raiyat and a raiyat and an under-raiyat. Suppose that a creditor raiyat has enjoyed the usufruct in lieu of interest only for 15 years and that his principal remains unpaid. Under the amendment proposed in clause (*6*) the creditor raiyat shall be denied the right of getting anything out of the principal back from the debtor raiyat after that 15 years. Should this House vote for such a provision which will deprive the creditor raiyat of his ligitimate dues from a debtor raiyat, and should such a provision form a part of the Bengal Tenancy Act? If the House think that a debtor raiyat should be relieved of his debt, the proper remedy should lie either under the Agricultural Debtors Act or under the Transfer of Property Act. In any case, this House should not so legislate under the Tenancy Act as to give relief to certain raiyats at the cost of other raiyats. It will be found later on when the other clauses are taken into consideration that the under-raiyats have been denied many privileges which the raiyat enjoys. The proposed amendment will put an additional hardship on them. However, I will not discuss that point now. I think that section 26G is absolutely useless when the landlords' fee is wiped out. The amendment proposed by the Bill will be a cause of oppression on the creditor

raiyat and the creditor under-raiyat when the debtor is a raiyat. The Bengal Tenancy Act does not contemplate giving relief to a debtor raiyat at the cost of a creditor raiyat or under-raiyat. These are the grounds on which I submit that clause 6 be deleted, and I hope the House will accept my motion.

Mr. NISHITHA NATH KUNDU: I beg to move that in section 6, clause (*6*), for the words "the mortgagor became entitled to be restored to possession" at the end of the clause (*6*), substitute the words "the mortgagee received from the mortgagor or his duly authorised agent a notice of demand for delivery of possession".

Mr. ISWAR CHANDRA MAL: I beg to move that in sub-clause (*3*) of clause 6 of the Bengal Tenancy (Amendment) Bill, 1937, for the word "fifteen," the word "twenty-five" shall be substituted.

I beg also to move that in paragraph (*b*) of sub-clause (*5*) of clause 6 of the Bengal Tenancy (Amendment) Bill, 1937, for the word "fifteen" the word "twenty-five" shall be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At this stage I just want to draw your attention to the fact that this amendment is out of the scope of this Bill. What is proposed is to give retrospective effect to section 26G and he wants to change the number of years from 15 to 25.

Rai HARENDRA NATH CHOUDHURY: Sir, why should it be out of order?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My proposal is this, that it should have retrospective effect; that is why I do not suggest any change in the period.

Mr. SPEAKER: I am not concerned with that. My difficulty is that you have brought in in clause 2 a certain sub-section to be inserted. Now when it is inserted you want the period to be fixed at 15 years and it is open to the House to make it 100 years.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I bow down to your ruling. I thought he was going beyond my clause.

Mr. SPEAKER: After all he is operating upon your clause and not going beyond your clause.

Mr. ISWAR CHANDRA MAL: Sir, I beg to move in sub-clause (*6*) of the Bengal Tenancy (Amendment) Bill, 1937—

(*a*) for the word "fifteen" in line 14, the word "twenty-five" shall be substituted,

(*b*) the words, "or where, there is no registered instrument, from the date of mortgagee's entry into possession" in line 15, and the words "or to a Revenue Officer" in line 21 shall be omitted,

(*c*) the words "or Revenue Officer" in line 38 shall be omitted.

Maulana MD. MANIRUZZAMAN ISLAMABADI: Sir, I beg to move that in clause 6 in the proposed sub-section (*2*) (*1a*) of section 26G the words "fifteen years" shall be substituted by "twelve years".

Mr. SADARUDDIN AHMED: I beg to move that in clause 6 (*2*) in proposed sub-section (*1a*) of section 26G in line 8 after the word "mortgage" the following be inserted, namely:—

"excepting such usufructuary mortgages as are for a period of fifty years or over entered into in lieu of Kobala".

Sir, before the passing of the Bengal Tenancy Act of 1928, the occupancy holders had an unlimited right to execute usufructuary mortgages for as many years as they liked, say, for 100, 50, or 90 years. If by this section you limit the usufructuary mortgages for fifteen years, I think it will be a great hardship on them. The second point is that in East Bengal the usufructuary mortgages are to be found extending up to 99 years. Before the Act of 1928 the occupancy holders executed the khai-khalasi or usufructuary mortgages for 95 years, in other words sale out and out on the ground of non-transferability to avoid khas-possession by the landlord and the so-called usufructuary mortgagees taking possession of the land used to build houses, excavate tanks and make other improvements on it. So, Sir, if we do away with this right by limiting the period, there may be difficulty at the time of possession and breach of peace, bloodshed may be the result.

My third point is that now Debt Settlement Boards have been established in every union board and as these matters are fully discussed and dealt with in every union board, we can leave out this section from the amending Act. Sir, I had the intention to omit the section altogether but when I find that Government is willing to give relief to the tenant debtors or transferors, I make it my point that that should not be at the cost of the creditors. So I make it a period of 50 years. With these words, I support my amendment.

Babu UPENDRA NATH BARMAN: Sir, I beg to move that in clause 6 (*2*) in line 2 for the word "every" the word "no" be substituted and in lines 6 to 9 for the words beginning with "shall be deemed" and ending with "whichever is less" the following be substituted, namely:—

"shall be effective after 15 years from the date on which the Bengal Tenancy (Amendment) Act of 1928 came into force".

Mr. SPEAKER: I might announce to the House that we will sit to-morrow at 5-30 p.m.

(A VOICE: How long shall we go on?)

Mr. SPEAKER: It all depends upon the different sections of the House.

Adjournment.

The House was then adjourned till 5-30 p.m. on Tuesday, the 21st September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 21st September, 1937, at 5-30 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 210 members.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Mr. SPEAKER: The unstarred questions left over yesterday will be taken up now.

Second Vice-Chairman, Khulna District Board.

206. Mr. ABDUL HAKEEM: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that the Second Vice-Chairman of Khulna District Board was a candidate for election to the Bengal Legislative Assembly from Khulna Sadar Muhammadan Constituency?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the amount the Second Vice-Chairman drew as travelling allowance and daily allowance from District Board in the financial year 1936-37;

(*ii*) the dates for which he drew such travelling allowance and daily allowance; and

(*iii*) the places, the thanas and the subdivisions which he inspected during the time?

(*c*) Do the Government propose to make an enquiry if there was misuse of public money?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) Yes.

(*b*) Statements furnishing the particulars are laid on the Library table.

(*c*) This is a hypothetical question and calls for no reply.

Appointments in the Jail Department.

207. Mr. RASIK LAL BISWAS: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to lay on the table a statement showing, district by district, since the 1st January, 1934—

(*i*) the number of appointments made in the Jail Department; and

(*ii*) the number of them that have been given to the scheduled castes?

(*b*) Was any advertisement for any of these vacancies in the Jail Department issued in the newspapers or in the *Calcutta Gazette*?

(*c*) If the answer to (*b*) is in the affirmative, when were they advertised?

(*d*) If the vacancies were not advertised, what were the reasons?

(*e*) Do the Government contemplate giving any preference to candidates who are members of the scheduled castes at the time of filling up the vacancies in the Jail Department?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) to (*d*) Appointments are made by the Inspector-General of Prisons and not by Superintendents of Jails except of warders who are recruited by the Superintendents of Central Jails. A statement of appointments made district by district cannot, therefore, be prepared. The following statement will give, generally, the information the hon'ble member requires. A copy has been sent to him.

(*e*) Instructions have been issued that candidates from the scheduled castes who possess the necessary qualifications must be recruited in reasonable number and should not be rejected merely because other candidates have reached a higher standard.

Statement referred to in the answer to clause (a) to (d) of unstarred question No. 207, showing the vacancies and the number of posts given to the scheduled castes in the Jails Department.

Name of posts.	Appointments.		Was any advertisement for any of the vacancies mentioned in column 1 issued in the newspapers or in the *Calcutta Gazette*.	If advertised, when and where were they advertised?	If the vacancies were not advertised, the reasons for not doing so.
	Number of appointments made since 1st April, 1934, to 31st July, 1937.	Number of posts given to the scheduled castes of the appointments shown in column 2.			
1	2	3	4	5	6
Clerical staff of the General Department and Deputy Jailors.	28	Nil	No advertisement for the vacancies was issued in the newspapers or *Calcutta Gazette*, but notices were hung up at the gates of the Writers' Buildings inviting applications for temporary posts of Jail clerks. Permanent Jail clerks are recruited from experienced temporary clerks. As regards Deputy Jailors, they are recruited from passed Bengal Civil Service candidates.	Does not arise ..	As in column 4.
Warders and petty officers	692	20	No, except in the case of a matron for the Rajshahi Central Jail.	Applications for the post of matron were invited on 29th December, 1935.	Vacancies for the posts of warders and petty officers are not advertised as

						sufficient number of suitable condidates are available locally at the Central Jails and Borstal School, Bankura.
Teachers ..	3	Nil	Yes	.. ..	25th September, 1935, 20th October, 1935, 17th, 18th and 19th February, 1936.	Does not arise.
Manufactory establishment including the staff of the Press and Forms Department, Bengal.	20	3	Yes	.. ..	5th, 6th and 7th July, 1935, 20th, 21st, 22nd and 23rd December, 1935, 25th, 26th, 27th and 29th March, 1936, 14th, 15th, 16th, 17th and 18th July, 1936. *A. B. Patrika, Statesman*, dated the 26th, 27th and 28th January, 937. *A. B. Patrika*, dated the 25th, 26th and 27th June, 1937. *Star of India*, dated the 25th, 26th and 28th June, 1937.	Ditto.

Clerks in the courts under the District Judge of Pabna.

208. Mr. ABDUR RASCHID MAHMOOD: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing the total number of clerks in the courts under the District Judge of Pabna, showing separately the number of Hindus, Musalmans and scheduled castes?

(*b*) What is the number of clerks appointed during 1935 and 1936; and how many of them are Muhammadans, Hindus and scheduled castes?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) and (*b*) A statement is laid on the Library table.

Cox's Bazar subdivision in Chittagong.

209. Khan Bahadur JALALUDDIN AHMAD: (*a*) Is the Hon'ble Minister in charge of the Forests and Excise Department aware—

(*i*) that Cox's Bazar subdivision in the district of Chittagong is mainly the property of Government *khas mahal* and entirely an agricultural area;

(*ii*) that it has been particularly hit by the creation of "Reserved" and "Protected" forests throughout the area even in the midst of and close to the village habitations with little regard to villagers' free pasture ground and other convenience; and

(*iii*) that the licence fee has been enhanced greatly within 5 or 6 years and that different passes are introduced for a single house-holder or a cultivator's family to the great hardship of the peasantry of the subdivision?

(*b*) If so, does he think it necessary to institute an enquiry into the matter to redress the grievances of the tenants of the subdivision?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Dab Raikut): (*a*) (*i*) It is mainly Government *khas mahal*. Part of the area is under cultivation, but a large part is still under forest.

(*ii*) No. Free pasture was never allowed in the past in forest areas in the Cox's Bazar subdivision.

(*iii*) They have been raised slightly but are still very low indeed.

(*b*) Enquiry will be made, if I have some definite reason to believe that the grievances are real. A grazing fee of 2 annas per cow per annum is extremely low.

Grant of an allowance to all detenus interned in their homes or elsewhere.

210. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether there are persons who have been interned in their homes or villages and have not been granted any allowance?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) their number; and

(*ii*) the reasons for not granting any allowance?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether Government are prepared to grant them any allowance; and

(*ii*) the minimum rate of allowance granted to such persons under restriction and the basis of fixing such minimum?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) (*i*) Orders have been issued for the payment of an allowance to all detenus interned in their homes, or elsewhere under section 2 (*1*) of the Bengal Criminal Law Amendment Act, 1930. If the hon'ble member is aware of any case in which no allowance is given, I shall be glad if he will bring it to the notice of the Home Department.

(*c*) (*ii*) The minimum is Rs. 25 a month for a detenu in village domicile and Rs. 10 a month for a detenu in home domicile, save in two or three cases where a nominal payment is made to detenus in home domicile who have incomes of their own. One such detenu has refused the allowance. The allowance is fixed according to section 12 of the Bengal Criminal Law Amendment Act, 1930.

Supplementary questions and answers.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the Government consider the desirability of revising the scale of allowance and increase it as it is quite inadequate for meeting the bare necessities of life?

The Hon'ble Khwaja Sir NAZIMUDDIN: Rupees ten is the minimum allowance and in certain cases where Government consider that more should be given they do give more.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state how Government arrived at the figure Rs. 10 as adequate?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he has got in his department applications from several detenus and home internees who have not received allowances as promised?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so.

Mr. BIRENDRA NATH MAZUMDAR: With reference to question (*a*) (*i*), will the Hon'ble Minister be pleased to state whether orders have been issued for the payment of allowances to all detenus interned in their homes and whether the allowances will be paid for the entire period of internment at home or elsewhere?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think from 1st of April.

Oppression of the people of Banskhali, Chittagong, by ferocious animals.

211. Maulvi RAJIBUDDIN TARAFDAR: (*a*) Is the Honble Minister in charge of the Forests and Excise Department aware—

(*i*) that the people of Banskhali in Chittagong district are frequently oppressed by ferocious animals like elephants, tigers, *ramdogs* and this makes the lives of the people of the locality very unsafe; and

(*ii*) that the huts of the poor people and their agricultural products are frequently destroyed by ferocious elephants?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister consider the desirability of appointing suitable number of *shikaris* or shooters there?

(*c*) Do the Government allow the people of Banskhali to keep and use arms without restriction to save their life and property?

The Hon'ble Mr. PRASANNA DEB RAIKAT: (*a*) Yes, elephants have increased in numbers in recent years but steps have been taken to reduce them. Otherwise there has been no unusual damage by wild animals.

(*b*) Rewards are given for killing carnivora and proclaimed rogue elephants. A proposal for the employment of paid game rangers to shoot elephants is under consideration. Khedda *mahals* are leased out annually in order to reduce the number of wild elephants. Free shooting licences are issued to approved sportsmen.

(*c*) No, but reliable persons who are owners of land adjoining the forests are allowed to possess guns and any person can under the Elephant Preservation Act, kill, injure and capture wild elephants in defence of life and property.

Assistant Director of the Bengal Civil Veterinary Department.

212. Maulvi MD. HASANUZZAMAN: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that both the Assistant Directors of the Bengal Civil Veterinary Department in charge of the Western and Eastern Ranges are Hindus?

(*b*) Is it a fact—

(*i*) that the post of Assistant Director, Civil Veterinary Department, Eastern Range, Dacca, was earmarked for a Muhammadan; but

(*ii*) a Hindu was appointed after the death of the last incumbent to the post?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the claims of the duly qualified candidates were considered in filling up the vacancy?

(*d*) Is it a fact that the present Assistant Director, Eastern Range, is on an extension of service for one year?

(*e*) Are the Government considering the desirability of appointing a Muhammadan on his retirement?

(*f*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) how many Veterinary Inspectors are there under the Veterinary Department, Bengal; and

(*ii*) how many of them are (1) Muhammadans and (2) Hindus?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) (*i*) No.

(*ii*) Does not arise

(*c*) Does not arise. But claims of available Muslim candidates were duly considered.

(*d*) Yes.

(*e*) Yes. One Moslem M.R.C.V.S. has already been offered the post of an Assistant Director.

(*f*) There are 18 Veterinary Inspectors of whom 5 are Muslims and 13 Hindus.

Appointment of Muslims in the Subordinate Agricultural Service during the past three months.

213. Mr. MUHAMMAD SOLAIMAN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) how many vacancies have occurred in the Subordinate Agricultural Service during the past three months; and

(*b*) has any Muslim been appointed?

(1) If so, how many?

(2) If not, why not?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) (1) A statement is laid on the table.

(2) Does not arise.

Statement referred to in the answer to clauses (a) and (b) (i) of unstarred question No. 213.

Service.	Number of vacancies.	Number of Muslims appointed.
(*i*) Subordinate Agricultural Service, Class I.	(*i*) Four (all leave vacancies)	(*i*) One.
(*ii*) Subordinate Agricultural Service, Class II.	(*ii*) Four (one permanent and the rest leave vacancies).	(*ii*) Two (one permanently appointed).
(*iii*) Lower Subordinate Agricultural Service.	(*iii*) Six (all leave vacancies)	(*iii*) Four.

Appointment of scheduled castes in the offices under the Collector of Nadia.

214. Babu LAKSHMI NARAYAN BISWAS: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the number of appointments held by members of the scheduled castes in the (1) clerical, (2) menial, and (3) Court of Wards' service in the offices under the Collector of Nadia; and

(*ii*) the percentage of appointments held by them in each of these services?

(*b*) Do the Government contemplate to make up the percentage of appointments fixed for the members of the scheduled castes, if any, in the abovementioned services in the district of Nadia?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) A statement is placed on the Library table.

(*b*) In view of paragraph 3 of Appointment Department memorandum No. 9898A., dated the 21st September, 1936, of which a copy is placed on the Library table, the question does not arise.

Operation of the Bengal Suppression of Terrorist Outrages Act in Faridpur.

215. Mr. NARENDRA NARAYAN CHAKRABARTY: (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) when the Bengal Suppression of Terrorist Outrages Act was first put into operation in the district of Faridpur;

(*ii*) whether the Palong Police Circle within Madaripur subdivision of the district was believed to be the worst affected area for terrorist activities; and

(*iii*) whether since the district was put under operation of the Bengal Suppression of Terrorist Outrages Act, several houses within the Palong Circle were searched by the police?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Government be pleased to lay on the table a statement showing—

(*i*) the number of houses searched;

(*ii*) the date on which each house was searched;

(*iii*) whether any incriminating article or document was found on search;

(*iv*) the date on which such article was found; and

(*v*) the nature of the articles found?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I understand that the facts are as follows:—

(*i*) Chapters II, III and the Schedule have been in force since the promulgation of Bengal Act XII of 1932. Chapter I was extended to Faridpur district in November, 1932.

(*ii*) It was considered to be one of the worst.

(*iii*) Yes.

(*b*) (*i*) and (*ii*) The information cannot be supplied without a laborious search in the records and papers in many police-stations of the district.

(*iii*) to (*v*) Yes. The statement laid on the table will show the result of some of the searches in Palong Circle.

Statement referred to in the reply to unstarred question No. 215 (b) (iii) to (v).

Column 1. Articles found.	Column 2. Dates on which found.
1 seditious document and 1 objectionable manuscript	12th November, 1934.
3 gun cartridges	13th December, 1934.
3 proscribed books	26th December, 1934.
1 proscribed book	15th January, 1935.
5 seditious books and 12 proscribed books	21st March, 1935.
1 piece paper containing cryptic writings	12th April, 1935.
7 proscribed books and 5 seditious books	18th July, 1935.
2 seditious books	6th June, 1936.
4 seditious books and 2 proscribed books	29th October, 1936.
6 proscribed books 9 objectionable books and 9 manuscript *khatas* containing bomb formulæ, notes about the military force, telegraph lines, etc.	17th March, 1937.
1 Belgium made revolver	24th March, 1937.
1 proscribed book	9th April, 1937.
1 Colt pistol 4 revolvers and 4 pistol bullets	10th April, 1937.
About 20 ·12 bore cartridges	10th April, 1937.
1 dagger	2nd May, 1937.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state under what circumstances a particular area is declared to be the worst affected area?

The Hon'ble Khwaja Sir NAZIMUDDIN: Where there is a large amount of terrorist activity.

Terms of settlement of jute strike.

216. Mr. NIHARENDU DUTTA MAZUMDAR: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the terms of settlement of the jute strike, embodied in the statement of the Chief Minister which was issued on or about the 8th May, 1937, in accordance with the agreement between the All-Bengal Jute Workers' Central Strike Committee and himself, have not been implemented either by the employers or by the Government, over two months since the calling off of the jute strike;

(*ii*) that the strike was actually called off by the Central Strike Committee on the 10th May, 1937, and that the workers resumed their work in pursuance of the aforesaid agreement and have faithfully performed their part;

(*iii*) that the prosecutions of workers arising out of the strike have not been withdrawn and that workers convicted in similar cases have not been released;

(*iv*) that dismissals of strikers are going on in dismissal of about 300 men of the spinning department of the Nadia Jute Mills, in the Belvedere, Fort Gloucester Jute Mills and elsewhere;

(*v*) that the workers' union have not been recognised;

(*vi*) that proceedings are being started against the Trade Union officials under section 144, Criminal Procedure Code;

(*vii*) of the promulgation of section 144, Criminal Procedure Code, on Friday, the 25th June, 1937, in Barrackpore and at Sankrail on the 9th July, 1937;

(*viii*) of the prosecution of Suren Bose, the local organiser of the Chatkal Mazdur Union at Titaghur;

(*ix*) of the assault on Abdul Kadir, the local Trade Union organiser at Chengail;

(*x*) assault on a number of mill-hands at Kankinarrah; and

(*xi*) of the assault on Messrs. Mazaffar Ahmad and Niharendu Dutt Mazumdar within the compound of the Nadia Jute Mill where they went by appointment with the Manager of the mill?

(*b*) Will the Hon'ble Minister be pleased to state the steps Government propose to take in order to implement the terms of settlement and whether Government are prepared immediately to set up a suitable machinery such as a Court of Enquiry or Board of Conciliation under the Trade Disputes Act to consider the question of—

(*i*) wage-rates;

(*ii*) increase of wages;

(*iii*) abolition of bribery and the system of jobbery;

(*iv*) leave and service rules;

(*v*) recognition of Workers' Unions; and

(*vi*) grievances about housing and sanitary conditions, maternity benefits and special facilities for women workers?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) There were no terms of settlement of the jute strike. Certain assurances only were given by the Hon'ble the Chief Minister. These assurances have been amply implemented.

(*ii*) The Central Strike Committee purported to call off the strike on the 10th May, 1937, but actually most of the mills that were out on strike at some time or other had resumed work previous to that date.

(*iii*) As far as I am aware most of the prosecutions arising out of the strike were either withdrawn, or the culprits were dealt with under section 562, Criminal Procedure Code. Only those prosecutions in which the strikers assaulted the police and the officers of the district were not withdrawn. In several cases under section 188, Indian Penal Code, accused were let off with a warning. So far as I am aware no worker previously convicted was released.

(*iv*) No strikers as such have been dismissed in any of the mills. I understand that certain persons have been dismissed several weeks after the cessation of the strike in some mills for continuous bad work, insubordination, defiance of authority and indiscipline.

(*v*) I understand that some mills have recognised workers' unions. Government will only recognise such trade unions as conform to certain standards, and only after application is made to Government in this connection.

(*vi*) No proceedings have been started under section 144, Criminal Procedure Code, against any Trade Union official as such. Only such persons have been dealt with under section 144, Criminal Procedure Code, whose conduct has brought them within the purview of the section.

(*vii*) I am informed that no order under section 144, Criminal Procedure Code, was promulgated at Barrackpore, on the 25th June, 1937; I am not aware if any such order was promulgated at Sankrail on the 9th July.

(*viii*) I am not aware if Suren Bose is a local organiser of the Chatkal Mazdur Union at Titaghur. One Babu Surendra Nath Bose was prosecuted under section 117, Indian Penal Code, for the offence of inciting persons to assault others while the latter were going to work at the Khardah Jute Mills on the 31st May, 1937.

(*ix*) I am not aware if Abdul Kadir is a local Trade Union organiser at Chengail or if he was assaulted.

(*x*) I am unable to reply to this question in the absence of particulars.

(*xi*) I am informed that some brickbats were thrown at the car of the hon'ble member; and the hon'ble member suffered an abrasion. I wish to convey my sympathies to the hon'ble member, and I deplore the occurrence. In the absence of any identification or evidence, the police have not been able to fix the guilt on any particular person in spite of searching investigation. It is surmised that the brickbats were thrown by some workers who had replaced those dismissed by the Manager for disobedience and bad work in the belief that the intervention of the hon'ble member would result in their own dismissal and in the reinstatement of the persons who were dismissed.

(*b*) I am making enquiries through my department regarding the condition of labour in the jute mills. I do not propose setting up a Court of Enquiry or Board of Conciliation under the Trade Disputes Act. I trust that the enquiries will be quite satisfactory and I shall be in a position to take action with a view to ameliorating the conditions of labour after the enquiries are finished.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*b*) regarding the increase of wage-rates, wages, abolition of bribery, recognition of workers' unions, and grievances about housing and sanitary conditions, will the Hon'ble Minister be pleased to state what steps have the Government so far taken with regard to these matters?

The Hon'ble Mr. H. S. SUHRAWARDY: I have been making enquiries and have made certain suggestions.

Mr. SIBNATH BANERJEE: With reference to answer (*a*) (*v*), will the Hon'ble Minister be pleased to state which unions have been recognised and by which mills?

The Hon'ble Mr. H. S. SUHRAWARDY: I have given a general answer. From the correspondence that has come to the department it appears that some mills have taken notice of the representations made by certain unions.

Mr. SARAT CHANDRA BOSE: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state whether the assurances therein mentioned were given by the Hon'ble the Chief Minister in his personal capacity or on behalf of the Government?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, that is a constitutional issue. I take it that the Hon'ble the Chief Minister when he gave the assurances gave them on behalf of Government.

Dr. NALINAKSHA SANYAL: This being a matter within th special cognizance of the Chief Minister under rule 24 of the Standin Rules and Orders, will the Hon'ble Minister be pleased to state wh are the assurances that he gave? I should like to know from th Hon'ble the Chief Minister if he remembers those assurances.

The Hon'ble Mr. H. S. SUHRAWARDY: May I rise on a poi of order, Sir? This is a matter within my special cognizance. It may be within the cognizance of the Chief Minister, but it is withi my special cognizance.

Mr. NIHARENDU DUTTA MAZUMDAR: As a matter of fac this matter was within the cognizance of the Chief Minister, becaus the Strike Committee recognised the Chief Minister and the Labou Minister was only acting as a deputy of the department. I submi therefore, that I am entitled to get a reply from the Chief Minister.

The Hon'ble Mr. H. S. SUHRAWARDY: The honourabl member seems to have a very weak memory.

Dr. NALINAKSHA SANYAL: I have practically put the que tion to the Chief Minister and I do not desire anybody, who may b the keeper of the conscience of the Chief Minister, to cast reflection o my memory. Will the Hon'ble Chief Minister be pleased to answe my question or not?

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of orde Sir. I never referred to the weak memory of Dr. Sanyal. He know nothing and he has no memory at all on the subject.

Dr. NALINAKSHA SANYAL: Is that a point of order, Sir?

The Hon'ble Mr. H. S. SUHRAWARDY: I am replying at th present moment to the question raised by Mr. Dutta Mazumdar.

Dr. NALINAKSHA SANYAL: My question was raised befor that.

The Hon'ble Mr. H. S. SUHRAWARDY: After Dr. Sanyal ha spoken the matter subsided, and Mr. Dutta Mazumdar asked me question and I am replying to him. I do not think Dr. Sanyal ha got any right to interrupt.

Dr. NALINAKSHA SANYAL: The question of interruption doe not arise.

The Hon'ble Mr. H. S. SUHRAWARDY: It was only at a late stage that the Hon'ble the Chief Minister was approached. Previous to that the Strike Committee and the members of the Strike Committee individually and in groups saw me in the morning, afternoon and night in my office, in the Council Chamber and in my house, and I think it is rather incorrect on the part of Mr. Dutta Mazumdar to say that the Strike Committee did not have anything to do with me or negotiated with me or approached me. Even when the assurance was about to be given by the Chief Minister, the Strike Committee, as a whole approached me and Mr. Dutta Mazumdar, if I remember aright, was a party to that. He came to my house and gave me the draft first and asked me whether I approved of the draft or not; and after I made certain changes in the draft, the Strike Committee, of which Mr. Dutta Mazumdar was a member, took it to the Hon'ble the Chief Minister, and brought it back again; and after several corrections from time to time, I approved of the draft; and in those assurances the Hon'ble the Chief Minister was good enough to say that it was passed with my concurrence and approval.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether one of the assurances given by the Hon'ble the Chief Minister was that there would be no victimization of jute workers on account of taking part in the union activities or in the strike?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is perfectly right.

Dr. NALINAKSHA SANYAL: I should like to have some reply from the Hon'ble the Chief Minister.

Mr. SPEAKER: I take it that the Leader of your party should have some preference.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether it is a fact that there has been mass victimization after the Chief Minister's assurance, for instance, in the Nadia and Kankinarrah Jute Mills in the Barrackpopre area?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. If the honourable member had seen my previous answers, he would have noticed that there had been certain dismissals not in connection with the strike but in connection with the insubordinate attitude of certain labourers in these mills long after the strike.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether it is a fact that Mr. Dutta Mazumdar

addressed a letter to the Chief Minister on the 14th July, 1937, drawing his attention to cases where these assurances were not given effect to?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe that such a letter was received.

Mr. SARAT CHANDRA BOSE: Whether any of the allegations contained in that better were repudiated in anyway?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know whether any reply was sent to Mr. Dutta Mazumdar, but certain enquiries were set on foot immediately on receipt of that letter.

Dr. NALINAKSHA SANYAL: Sir, my question is not dead yet and I want to know whether these assurances were given by the Chief Minister on behalf of Government.

Mr. SPEAKER: I think this question has been answered by the Hon'ble Mr. Suhrawardy in his statement and unless it is repudiated it is to be taken as the reply of Government.

Dr. NALINAKSHA SANYAL: What were the terms of the assurances?

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out that the terms of the assurances were set out on a previous occasion *in extenso* in reply to previous questions that were put.

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble Labour Minister has himself admitted that the assurances were given by the Hon'ble Chief Minister because in this negotiation the Hon'ble Minister acted on behalf of Government and the Strike Committee had negotiation only with the Chief Minister and the Labour Minister simply came in for departmental consideration.

Mr. SPEAKER: The House is not concerned as to what happened between the Chief Minister and the Labour Minister. It is a matter purely of a departmental arrangement. So long as the Labour Minister assumes the responsibility on behalf of the Government for any statement that has been made by the Prime Minister, it should be sufficient. As to whether the Chief Minister did it on his own behalf or on behalf of Government that has been replied to by the Hon'ble Mr. Suhrawardy.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether one of the assurances given by the Chief Minister was that a Board of Conciliation or a Board of Enquiry was

to be appointed to enquire into the demands and grievances of the workers and whose recommendations would be given effect to?

The Hon'ble Mr. H. S. SUHRAWARDY: There was no such assurances.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the Hon'ble the Chief Minister actually put his signature on a document with regard to the settlement and left it with the members of the Strike Committee?

The Hon'ble Mr. H. S. SUHRAWARDY: If the honourable member will produce the document for my inspection, I will reply to his question.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether it is not a fact that on the 13th April, 1937, a letter was addressed by Mr. Sudhindra Nath Paramanik, General Secretary of the Central Strike Committee, putting down the assurance that was mentioned in my last question and no denial was given to it at that time?

The Hon'ble Mr. H. S. SUHRAWARDY: Some assurances were put through on the 8th May, 1937; Mr. Bose is referring to assurances of 13th April, 1937, of which I have no knowledge.

Mr. SARAT CHANDRA BOSE: I am referring to a period more than a fortnight before, when Mr. Sudhindra Nath Paramanik wrote to the Chief Minister setting about these assurances.

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of the contents of that letter.

Receipts and expenditure of the Mymensingh Agricultural farm for the last three years.

217. Maulvi ABDUL WAHED: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) the receipts and expenditure of the Mymensingh Agricultural Farm for the last three years, year by year; and

(*b*) the names of the officers with their designations and their duties and function and salary paid to them?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: A statement furnishing the information is laid on the table.

Statement referred in the answer to unstarred question No. 217.

(*a*)

	1934-35.	1935-36.	1936-37.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Contingent expenditure—Mymensingh Farm ..	2,409 6 6	3,089 15 3	2,386 4 3
Receipts including stock transfer ..	1,230 5 6	1,277 12 3	1,274 7 0

(*b*)

Names of the officers of the Mymensingh Farm.	Designation.	Duties and function	Salary paid.
1. Babu Atal Behari Sen	District Agricultural Officer	Supervision of Mymensingh farm work in addition to 3 other Government farms in the district.	1st June, 1933, to 31st May, 1935, at Rs. 220 per month.
		Demonstration, propaganda and jute restriction work of the district.	1st June, 1935, to 31st May, 1937, at Rs. 230 per month.
2. Babu Benoy Ch. Ghosh	Agricultural Demonstrator	For office work ..	1st April, 1934, to 31st August, 1934, at Rs. 42 per month.
			1st September, 1934, to 31st August, 1936, at Rs. 44 per month.

				1st September, 1936, to 31st August, 1938, at Rs. 46 per month.
3. Babu Barman.	Madhusudhan	Ditto ..	For field work in the farm ..	11th March, 1934, to 10th March, 1935, at Rs. 25 per month. 11th March, 1935, to 10th March, 1937, at Rs. 30 per month. From 11th March, 1937, at Rs. 32 per month.

Platform at the Serajganj Bazar station.

218. Mr. ABDULLA-AL-MAHMOOD: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there is no platform at the Serajganj Bazar station, an important station on the S. S. Railway line of Eastern Bengal Railway; and

(*ii*) that the Serajganj public have moved authority concerned times without number in the matter?

(*b*) Is the Hon'ble Minister considering the desirability of urging upon the Railway authorities in this matter?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) Yes.

(*b*) The matter was brought to the notice of the Railway authorities who are of opinion that the expenditure on providing a raised platform would not be justified, as the station is situated on an alignment which is subject to alteration with changes in the river.

Election petitions.

219. Babu UPENDRA NATH BARMAN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing at present the number of—

(*i*) election petitions received to set aside the election of returned candidates;

(*ii*) names of petitioners and respondents; and

(*iii*) dates of receipts of the petitions?

(*b*) Has any of the election petitions been dismissed for non-compliance of prescribed requirements?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) No.

... of unstarred question No. 219.

Name of petitioner. (1)	Member against whom presented. (2)	Date of receipt. (3)	Remarks. (4)
Bengal Legislative Assembly.			
1. Mr. Syed Abul Hossain ..	Mr. M. Farhat Reza Chaudhury, M.L.A.	9th March, 1937 ..	Referred to the Tribunal.
2. Khan Bahadur Abul Hayat Khan Chaudhury.	Mr. Zahur Ahmed Chaudhury, M.L.A.	12th March, 1937 ..	Ditto.
3. Mr. T. E. Martin ..	All the members elected by the Anglo-Indian Constituency.	25th March, 1937 ..	Ditto.
4. Mr. Md. Illias Chaudhury ..	Dr. Syed Md. Siddique, M.L.A. ..	1st April, 1937 ..	Ditto.
5. Mr. Jagadish Chandra Bhattacharyya.	Mr. Surendra Mohan Moitra, M.L.A. ..	31st March, 1937 ..	Ditto.
6. Mr. Mahitosh Saha ..	Maharaj Kumar Uday Chand Mahtab, M.L.A., and Mr. Adwaita Kumar Maji, M.L.A.	2nd April, 1937 ..	Ditto.
7. Mr. Jitendra Lal Banarji ..	Dr. Sharat Chandra Mukharji, M.L.A.	1st April, 1937 ..	Ditto.
8. Khan Bahadur Haji Badi Ahmed Chaudhury.	Mr. Ahmed Kabir Chaudhury, M.L.A.	3rd April, 1937 ..	Ditto.
9. Chaudhury Md. Ismail Khan ..	Mr. Sadaraddin Ahmed, M.L.A. ..	Ditto ..	Withdrawn.
10. Mr. Habibar Rahman Choudhury	Nawab Sir K. G. M. Faroqui, Kt., of Ratanpur, M.L.A.	9th April, 1937 ..	Referred to the Tribunal.
11. Mr. Md. Siddiqui ..	The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E.	22nd April, 1937 ..	Ditto.
12. Mr. Md. Sadeque Miab ..	Maulvi Abdur Razak, M.L.A. ..	7th May, 1937 ..	Ditto.
Bengal Legislative Council.			
1. Mr. Tahur Ahmed Choudhury ..	Mr. Humayun Reza Choudhury, M.L.C.	29th April, 1937 ..	Ditto.
2. Mr. Shanti Shekhareswar Roy ..	Rai Bahadur Surendra Narayan Sinha, M.L.C.	30th March, 1937 ..	Ditto.

Waiting accommodation in the steamer stations of the India General Navigation and River Steam Navigation Companies.

220. **Mr. YUSUF ALI CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether—

(*i*) it is a fact that in most of the steamer stations of the India General Navigation and River Steam Navigation Companies there are no separate waiting accommodations for female passengers and in many stations there is no waiting accommodation at all either for female or male passengers; and

(*ii*) there are no latrines in most of these stations for the use of the passengers?

(*b*) If the answer to clause (*a*) is in the negative, will the Hon'ble Minister be pleased to state what steps, if any, does the Government intend to take in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The hon'ble member is referred to the rules framed under sections 54 and 67 of the Inland Steam Vessels Act, 1917, and published on the 18th July, 1931, which I understand are being strictly observed.

(*b*) The matter is under the further consideration of Government.

Relevant Rules referred to above is as follows:—

At each landing place where not otherwise provided for and where the weekly average number of persons embarked or disembarked exceeds 500, a shelter with suitable lights shall be provided on the bank having a separate compartment for females and so constructed as to withstand and give shelter from sun, wind and rain:

Provided that in the case of services run exclusively during the day, the passengers' shelters need not be provided with lights.

Penalty for breach of the rule is a fine which may extend to Rs. 50 for the first offence and a separate penalty of Rs. 10 for each day for continuing the offence, on the owner or agent of the vessel until the shelter with suitable lights is provided.

STARRED QUESTIONS

(to which oral answers were given)

Iron Bridge over the river Halda at Sharta Ghat on the Chittagong Hill Tract Road.

*203. **Al-Haj Maulana Dr. SANAULLAH:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that

a plan for constructing an iron bridge over the river Halda at Sharta *Ghat* on the Chittagong Hill Tract Road was sent by the Chairman, District Board, Chittagong, for the sanction of the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when was the said plan sanctioned by the Government?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the amount of the cost involved;

(*ii*) how does the Government propose to raise the funds for the purpose;

(*iii*) when does the Government propose to undertake the actual work of construction; and

(*iv*) does the Government propose to make it toll free?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) In July, 1936.

(*c*) (*i*) Rs. 37,495.

(*ii*) to (*iv*) It was decided by the previous Government to raise a loan by capitalising a portion of the Motor Vehicles Tax Fund for the construction of this and other bridges in the province. The subject is under the consideration of the present Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there is any further necessity of taking a recourse to loans as formerly thought of in view of the balance lying at his hand in the particular Road Development Account now?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: As I have stated, that question will be gone into by the present Government.

Establishment of Debt Settlement Boards in Burdwan.

***204. Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether any direction to follow certain rules under sections of the Bengal Agricultural Debtors Act to settle the suits filed by the creditors to realise debts from debtors have been given to the Munsifs of Civil and Revenue Court in the district of Burdwan until the Debt Settlement Boards are established?

(*b*) If the answer to clause (*a*) is in the negative, will the Hon'ble Minister be pleased to state what other arrangements, if any, have the Government made in this matter?

(*c*) What is the probable date by which Debt Settlement Boards will be established in the district of Burdwan?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) No.

(*b*) None.

(*c*) Notifications establishing 54 Debt Settlement Boards in Burdwan have been published in the *Calcutta Gazette* of the 9th September. Others will follow as and when recommended by the District Magistrate.

Kangso (river) in Mymensingh.

***205. Maulvi ABUL HOSSAIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether it has come to his notice that the Kangso (river) in the district of Mymensingh got several shoals as a result of the earthquake of 1897 which have caused great set-back in trading facilities and sanitary condition of the locality?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government thinks it necessary to have an enquiry made into the matter and devise ways and means for removing the shoals?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Yes; the matter has only recently been brought to the notice of Government.

(*b*) Enquiry is being made.

Annual income of the wakf estates of Hadji Mohammad Mohsin.

***206. Maulvi ABDUL WAHED:** Will the Hon'ble Minister in charge of the Education Department be pleased to state the present annual income of the *wakf* estates of Hadji Mohammad Mohsin?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The rental of the landed properties is Rs. 2,34,000.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether the wakf estates of Hajee Mohammed Mohsin consist of landed property only?

The Hon'ble Mr. A. K. FAZLUL HUQ: No.

Maulvi ABDUL BARI: What are the other properties?

The Hon'ble Hr. A. K. FAZLUL HUQ: I want notice.

School hygiene scheme for Calcutta.

***207. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the present position of the current school hygiene scheme for Calcutta with respect to—

(*i*) number of schools taken up;

(*ii*) number of medical officers employed;

(*iii*) monthly allowance given to each; and

(*iv*) the total amount spent on such work in the year 1936-37?

(*b*) Will the Hon'ble Minister be pleased to state whether there is any scheme under the consideration of the Government for the improvement of the conditions of service of the medical officers employed for such work?

(*c*) If so, what is the scheme?

(*d*) When is it intended to give effect to the scheme?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) There is a scheme for medical inspection of school children in Government and aided secondary schools for boys in the city of Calcutta at an estimated cost of Rs. 3,000 per annum. It is conducted by 3 part-time school medical officers, who work under the direct control and supervision of the Physical Director, Bengal. The scheme is renewed year after year.

(*i*) When the scheme was originally introduced there were 33 schools. In 1936, the Physical Director reported that the number of schools was 30.

(*ii*) The number of medical officers is 3.

(*iii*) Allowance given to the medical officers is at rate of Rs. 50 each per month.

(*iv*) The total amount spent in the year 1936-37 was Rs. 2,549.

(*b*) A reorganisation of the scheme is under the consideration of Government.

(*c*) and (*d*) Cannot be stated at this stage.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*b*), how long has the question of reorganisation of the scheme been under the consideration of Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: It has recently been taken into consideration. As a matter of fact, I took it up after receiving notice of this question. I have no idea at the present moment because it seems to me to be a somewhat complicated matter.

Number of scheduled caste students in the Agricultural Schools at Manipur, Dacca.

***208. Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) the total number of students now on the rolls of the Agricultural schools at Manipur, Dacca;

(*ii*) the number of seats allowed to the Muslim, Christian, caste Hindu and scheduled caste Hindu communities, respectively; and

(*iii*) the number of students belonging to each of these communities who were newly admitted in the school in January, 1936 and 1937, respectively?

(*b*) Will the Hon'ble Minister be pleased to state whether it is required by the rules of the school that 75 per cent. of the seats are reserved for the sons of the *bona fide* cultivators or those who have a direct interest in the land?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the rule is respected in selecting candidates for admission?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*i*) 39 students and 3 teachers under training.

(*ii*) There is no fixed standard for allotting seats but proportion is normally based according to hostel accommodation, viz., 20 Hindus and Buddhists, and 20 Muhammadans and Christians.

(*iii*) Session commencing 15th January, 1936—

7 Hindus.

10 Muhammadans.

2 Christians.

1 Buddhist.

Session commencing 15th January, 1937—

9 Hindus.

9 Muhammadans.

1 Christian.

1 Buddhist.

(*b*) and (*c*) Yes.

Maulvi ABDUL BARI: How many of the 20 students admitted on the 15th January, 1937, belong actually to the cultivating class?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already answered that it has been given effect to.

Babu KSHETRA NATH SINGHA: What is the reason of the absence of the scheduled caste students?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: My friend will see from the answer itself that this was done by the old Government and I do not know why no scheduled caste student was taken.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister kindly enquire into the matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall do so.

Ministerial officers under the District Judge of Faridpur.

*209. **Mr. MD. ABUL FAZAL:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing the number of ministerial officers under the District Judge of Faridpur, with their names, qualifications, present posts with pay and dates of appointment?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) why there has not been any Mussalman in the selection grade (Rs. 80 to Rs. 140) in the District Judge's office of Faridpur since the establishment of that office;

(*ii*) why there has been supersession by two of the officers of the selection grade over a lot of Hindus and Mussalmans; and

(*iii*) whether there has been any Mussalman as Nazir, Sheristadar, or Peshkar in any of the eight Munsifs, Subordinate Judges' and District Judges' offices in the Faridpur district, and, if so, when?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) A statement is laid on the Library table.

(*b*) (*i*) It cannot be ascertained whether there is any such clerk in selection grade since the establishment of the District Judges' office, Faridpur. Appointments in the Upper Division are made in accordance with merit and special fitness and unless other considerations are equal seniority is to be disregarded. Appointments in the Upper Division of clerks in the Faridpur Judgeship were made in accordance with this principle.

(*ii*) The last two vacancies in the Upper Division were filled up on strict application of the above rule of selection. Thus there was supersession by two efficient officers of less efficient men in the service, both Hindus and Mussalmans.

(*iii*) At the present there are two Muhammadan Sheristadars and one Muhammadan Peshkar in the Munsif's Courts of this district. One of the Sheristadars was appointed on the 17th November, 1936, and the other on the 12th February, 1937, in supersession of some clerks. The Peshkar was appointed on the 16th August, 1937.

Mr. Md. ABUL FAZAL: With reference to answer (*b*) (*i*), why could it not be ascertained?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Probably there is no such man appointed.

Mr. Md. ABUL FAZAL: With reference to answer (*b*) (*iii*), why is there no Muhammadan Nazir?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: You will gradually get them.

Public Prosecutor, Jessore.

***210. Mr. SERAJUL ISLAM:** (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware that the present Public Prosecutor of Jessore was recruited from the Khulna Bar?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether qualified men were not available in the local Bar;

(*ii*) the reasons for making the said recruitment from a foreign Bar; and

(*iii*) whether the Government are considering the desirability of making the next choice from the local Bar?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes.

(*b*) (*i*) and (*ii*) There is no rule or practice requiring that the Public Prosecutor should be recruited from the local Bar. The officer appointed was considered to be better qualified than anyone obtainable from the local Bar.

(*iii*) It depends upon the recommendation of the Public Service Commission.

Mr. ABDUL LATIF BISWAS: With reference to question (*b*) (*i*), were not qualified men available in the local bar?

Mr. SPEAKER: There is no difference between the original question and your supplementary question.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It is not within my knowledge.

Babu NAGENDRA NATH SEN: With reference to (*b*) (*iii*), will the Hon'ble Minister be pleased to state whether the present incumbent being on probation will be made permanent or the next man will have the chance of being appointed?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am not aware of it at all.

Honorary Magistrates as licensees or proprietors of country liquor shops.

***211. Al-Haj Maulana Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative (Judicial) Department be pleased to state whether a country liquor shop licensee or proprietor can be made an Honorary Magistrate?

(*b*) How many Honorary Magistrates are there in the district of Darjeeling who are directly or indirectly connected with country liquor shops?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes, if he is considered generally suitable.

(*b*) Two Honorary Magistrates are directly connected with liquor shops as owners. Government have no information as to whether any such Magistrate has any indirect connection with such shops.

Dr. H. C. MUKHERJI: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether generally suitable men who are not licensees of country liquor shops were not available?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The licensee of a country liquor shop is not considered to be unsuitable.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the sale of liquor is considered to be a not very desirable occupation either for a Hindu or for a Muslim in this province?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: There are so many candidates for it that it cannot be considered to be unpopular.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the holding of the post of honorary magistrate for the administration of justice is considered to be a very noble occupation inconsistent with the sale of liquor?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have already answered that question. A man's profession is not to be thought of when he is appointed an honorary magistrate. His other qualifications have got to be taken into consideration. Probably such qualifications are responsible for this appointment.

Mr. SYED JALALUDDIN HASHEMI: May I have the names of those honorary magistrates who have got excise licenses?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not know.

Babu NAGENDRA NATH SEN: Is the sale of liquor opposed to public policy?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Not at all.

Filling up of appointments in the office of the Inspector-General of Prisons, Bengal.

***212. Al-Haj Maulana Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state if the Muhammadan appointments have been filled up by the Inspector-General of Prisons, Bengal, equally both in the Upper and Lower Divisions of the executive and clerical services in all the sections controlled by him, namely, General Department, Manufactory Department,

Press and Forms Department, and the Quinine and the Cinchona Departments, according to the percentage already ordered by the Government?

(*b*) How many Muhammadan clerks are there in the Upper Division of the Inspector-General of Prisons' office?

(*c*) How many Muhammadan temporary clerks have been made permanent by the Inspector-General of Prisons last year in their respective posts as present incumbents in compliance with Finance Department Orders No. 395-415F., dated the 14th January, 1936, and No. 4547-67F., dated the 1st June, 1936?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There are no upper and lower divisions in all the services. In some cases the prescribed minimum has not yet been reached.

(*b*) One.

(*c*) One.

SHORT-NOTICE QUESTIONS AND ANSWERS.

Family allowance to detenu Sudhanshu Bhusan Roy.

***212A. Mr. BIRENDRA KISHORE RAY CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether Sudhanshu Bhusan Roy, detained at Deoli Camp, is on hunger-strike?

(*b*) If so, for how many days and how he is keeping now?

(*c*) Is the Hon'ble Minister aware that the widowed mother of the detenu Sudhanshu Bhusan Roy, detained at Deoli Camp, and his two sisters have not been granted any pecuniary help?

(*d*) If so, is the Hon'ble Minister considering the desirability of taking steps for some allowance to the detenu's family?

(*e*) Is the Hon'ble Minister also aware that he is the sole earning member of the family?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) No detenu in the Deoli Jail is on hunger-strike now.

(*c*) Yes.

(*d*) and (*e*) I am making inquiries to enable me to decide whether it would be justifiable to make an allowance from public funds.

Babu NAGENDRA NATH SEN: From what time has the Hon'ble Minister been making enquiries and when did the matter come to his knowledge?

The Hon'ble Khwaja Sir NAZIMUDDIN: Enquiries have been made sometime ago.

Proposals for "Information Department" under the Government of Bengal.

***212B. Babu NARENDRA NARAYAN CHAKRABARTY:** (*a*) Will the Hon'ble Home (Political) Minister be pleased to state whether it is a fact that a new Department, namely, the "Information Department" is going to be started under the Government of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether one Chief Information Officer and several Assistant Officers are also to be appointed; and

(*ii*) if so,—

(*1*) the respective duties of these officers;

(*2*) their scales of salary; and

(*3*) the minimum qualification required for these posts?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Proposals for reorganization of the Press, Publicity and Propaganda Department are under the consideration of Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this reorganisation has been necessitated because of the failure of the present publicity of the Government of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not because of failure of present publicity but for better publicity.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this reorganisation is with a view to obtain correct information for Government or to supply certain class of information to the public?

The Hon'ble Khwaja Sir NAZIMUDDIN: To refute misleading information that is given in the press and to give more true and correct information and generally to reorganise the department for getting better publicity to the activities of Government.

Dr. NALINAKSHA SANYAL: In view of the answer now given, may we presume that at present the information supplied is not as correct and as true as it ought to be?

The Hon'ble Khwaja Sir NAZIMUDDIN: I totally deny the interpretation put by the hon'ble member, but it is to refute the misleading things published in the newspapers.

The Hon'ble Mr. A. K. FAZLUL HUQ: On a point of information on a matter of great public importance. Will the hon'ble members concerned be pleased to state how they could get hold of Cabinet secrets?

Dr. NALINAKSHA SANYAL: From Cabinet Ministers themselves, but may I know whether he can put this question?

Mr. SPEAKER: My attention has been drawn to a rule under which it is possible to put that question.

Rai HARENDRA NATH CHOUDHURY: How does that question arise out of this question?

Mr. SPEAKER: Certainly that can arise if a question is put based on a Cabinet decision which is secret. The Hon'ble Minister is entitled to put the question.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Excavation of canals in the Kisorganj subdivision in Mymensingh.

221. Maulvi ABDUL HAMID SHAH: (*a*) Is the Hon'ble Minister in charge of the Communication and Works (Irrigation) Department aware that several canals have been excavated within the jurisdiction of the Kisorganj subdivision in the district of Mymensingh during the present year with the help of voluntary labour under the supervision of the local Subdivisional Officer?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government consider the desirability of improving those canals after a proper departmental inquiry so as to render them navigable throughout the year?

(*c*) Will the Hon'ble Minister be also pleased to lay on the table a statement showing annually for the last five years the amount spent by Government for irrigation work in the Kisorganj subdivision?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) The matter will be considered.

(*c*) No irrigation work was done in the Kisorganj subdivision during the last five years. During the current year a sum of Rs. 2,000 was paid out of the Government of India grant for the excavation of the Sir Nazimuddin *Khal* (Kaona *Khal*). As a result of the excavation, 4,000 acres have been restored to cultivation.

Approver witnesses Amulya Kumar Chakravarty and Subol Krishna Pathok.

222. Babu NARENDRA NARAYAN CHAKRABARTY: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether one Amulya Kumar Chakravarty of village Kendua within Madaripur subdivision, and one Subol Krishna Pathok of village Pathokhandhi within Madaripur Municipality were examined by the prosecution as approver witnesses in—

(*i*) the Conspiracy and Arms Act case arising out of the theft of a revolver belonging to Babu Mohini Mohan Das, Assistant Sub-Inspector of Police, attached to the District Intelligence Branch staff of Faridpur, commonly known as the Faridpur revolver theft case; and

(*ii*) the Conspiracy and Arms Act case arising out of the find of a revolver in the house of one Haripado Patni of Dorgakhola within Madaripur Municipality, commonly known as the Dorgakhola revolver find case, respectively?

(*b*) Is it a fact that the Government have been pleased to allot 50 bighas of land to each of them from the *khas mahal* lands of the district of Faridpur?

(*c*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons for allotting lands to them so soon after they gave evidence as approvers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I understand that the facts are as follows:—

(*a*) (*i*) Amulya Ratan Chakravarty was examined as an approver witness.

(*ii*) Subol Krishna Pathok was examined as an approver.

(*b*) No.

(*c*) Does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether there is a proposal pending before Government for rewarding those witnesses?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Appointments in the Secretariat since January, 1933.

223. Mr. RASIK LAL BISWAS: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing the number of appointments made in the Secretariat since January, 1933, with the following particulars:—

(*i*) total number of appointments made every year;

(*ii*) total number of appointments made to clerical posts every year;

(*iii*) total number of appointments above clerical made every year;

(*iv*) total number of assistants in the higher grade; and

(*v*) number of Scheduled Castes in (*ii*), (*iii*) and (*iv*)?

(*b*) Will the Hon'ble Minister be pleased to state the reasons for not appointing more numbers from the Scheduled Castes?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) A statement is laid on the table?

(*b*) The main reason why more numbers of the Scheduled Castes have not secured appointment in the Secretariat is, I understand, their failure hitherto to pass the qualifying tests for recruitment.

Mr. RASIK LAL BISWAS: With reference to answer (*b*), are the Government aware that where only Matriculation is the standard of test for appointment a large number of graduates from the scheduled castes community applied for this post?

The Hon'ble Mr. NALINI RANJAN SARKER: It may be so.

Statement referred to in reply to clause (a) of unstarred question No. 223.

	1933.	1934.	1935.	1936.	1937.	(v) Number of Scheduled Castes.				
						1933.	1934.	1935.	1936.	1937.
(i) Total number of appointments made.	24	12	11	32	21	..	..	..	..	..
(ii) Total number of appointments made to clerical posts.	18	9	6	15	9	2	..	..	1	1
(iii) Total number of appointments above clerical.	13	16	17	12	9	..	..	..	1	..
(iv) Total number of assistants in the higher grade.	110	111	110	110	109	..	..	..	1	1

Waiting-rooms at the Contai Road station on the Bengal-Nagpur Railway.

224. Mr. ISWAR CHANDRA MAL: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Railways) Department aware that the Contai Road is one of the important stations on the Bengal-Nagpur Railway and that a large number of passengers, both male and female, pass through the station?

(*b*) Is the Hon'ble Minister aware—

(*i*) that there are no waiting-rooms for the first, second and inter class passengers, both male and female, who are to pass through the Contai Road station;

(*ii*) that the first, second and inter class passengers, especially ladies, who are to wait for some time at the station are put to great inconvenience owing to the absence of proper waiting-rooms; and

(*iii*) that owing to this inconvenience many travel direct by motor bus to the Kharagpur station without passing through the Contai Road station?

(*c*) Does the Hon'ble Minister consider the desirability of drawing attention of the Bengal-Nagpur Railway authorities to the importance of making proper provision for waiting-rooms for both male and female passengers at the Contai Road station.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) The number of first, second and inter class passengers booked at the station during the six months ending on the 31st March, 1937, are 4, 43 and 1,405, respectively.

(*b*) (*i*) and (*ii*) Yes.

(*iii*) I have no information.

(*c*) This was brought to the notice of the railway authorities who regret their inability to provide waiting-room accommodation for the 1st, 2nd and inter class passengers as their number is small.

Narail-Jessore Road with extension to Kalna Ghat on the Madhumati.

225. Maulvi WALIUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether—

(*i*) the Road Board will take up the construction of the feeder roads first, or of the trunk roads which will simply facilitate luxury drives and train bus competition; and

(*ii*) the Road Board will next take up the construction of the most badly needed Jessore-Narail Road extending the same up to Kalna *Ghat* on the Madhumati, as it will open up a vast tract of almost inaccessible parts of the districts of Jessore and Faridpur, increasing the traffic, *via* Jessore, of both goods and passengers to a hundredfold?

(*b*) What amount, if any, of the Imperial Government's contribution to the Road Board lapsed last year, and whether there is any chance of the same thing happening this year as well?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) The principle enunciated by the Government of India is that not more than 25 per cent. of the provincial allocation from the Road Fund should be spent on roads competitive with railways and not less than 25 per cent. should be spent on feeder roads to connect rural areas with railways, waterways and main roads.

(*ii*) The proposal for the construction of the Jessore-Narail Road will be considered after the comprehensive programme of road development for the whole province has been received from the Special Officer, Road Development Projects.

(*b*) The allocation from the Road Fund does not lapse.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what he will call that actual happening under which a fund allotted for this province is not allotted in subsequent years, and that if such non-allotment continues for five years, the Government of India may not allot any funds at all? Will that not amount to a lapse?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: The Government of India certainly have the right to refuse to pay further contributions, but the amount already paid cannot lapse.

Dr. NALINAKSHA SANYAL: Is it not a fact that this year the Government of India have not allotted any amount to Bengal from out of the Road Development Fund?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: If that is so, there is no reason why they might not re-allot it in the coming year.

Dr. NALINAKSHA SANYAL: My question, Sir, was whether allotment has been made for this year. It is not a question of reason or argument, but it is a question of "Yes" or "No."

Mr. SPEAKER: Dr. Sanyal, your last question was whether there has been any money allotted this year, and the Hon'ble Minister has replied that there is no bar to their still getting any grant this year.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, this year is not yet finished, and is still going on.

Mr. SPEAKER: Order, order. It is very difficult for me to control the business of the House if side-talks go on in this way. If the Minister says that there is no bar to any allotment this year, it may be presumed that there has been no allotment made for this year.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state under what conditions we may be getting a further allotment from the Government of India during the course of the year, and whether such a contingency is likely to happen?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Certainly, if only we can spend a fair portion of the balance in our hand.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I asked a question of the Hon'ble Minister to which he has not given proper reply. My question was under what conditions that allotment may again be made to Bengal, and the Hon'ble Minister has not cared to give any reply to this question.

Mr. SPEAKER: I have said before, Dr. Sanyal, that I cannot force a Minister to give a particular type of answer.

District of Faridpur under the operation of the Bengal Suppression of Terrorist Outrages Act.

226. Mr. NARENDRA NARAYAN CHAKRAVARTY: (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) how long the District of Faridpur has been kept under the operation of the Bengal Suppression of Terrorist Outrages Act;

(*ii*) the number of girls, if any, that were placed under orders of restraint under provisions of the said Act, with the following particulars with regard to each during the period for which the district has been kept under the operation of Bengal Suppression of Terrorist Outrages Act:—

(1) name,

(2) father's name,

(3) village of residence,

(4) age, and

(5) married, unmarried or widow?

(*b*) Will the Hon'ble Minister be pleased to state whether any of the girls under orders of restraint had at any time to appear before any officer for any purpose?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the name of the girl who had to appear before an officer;

(*ii*) her age;

(*iii*) the name of the officer to whom she had to appear;

(*iv*) the purpose for which she had to appear;

(*v*) the time at which she appeared;

(*vi*) the place where she had to appear before the officer;

(*vii*) the length of time for which she had to be with the officer; and

(*viii*) whether her guardian was allowed to be present within view during the time which she had to spend with the officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Chapter I of the Bengal Suppression of Terrorist Outrages Act was extended to the whole of Dacca Division by notification No. 22798 P., dated the 24th November, 1932. Chapters II and III and the Schedule have been in force since the promulgation of the Act in October, 1932.

(*ii*) Three unmarried and two married girls, and one widow were restrained. I am not prepared to give further particulars.

(*b*) Yes.

(*c*) A statement from which names are excluded, is laid on the table.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that two unmarried girls and one widow were made to appear before the Superintendent of Police in his launch in the evening when there was a curfew order in that locality and no male member was allowed to come out in the evening?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not correct, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to inquire about what I have said just now?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member has put another question, Sir, in which he has definitely mentioned the curfew order and when that will be answered he will find that an inquiry has been made and that the statement is not correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please look up his answer to question (*b*), where he says "Yes," and let us know the time and place where the girls were made to appear before the officer and the purpose for which they, were so made to appear?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is given, Sir, in the statement which is laid on the table and I have nothing to add.

Statement referred to in the answer to clause (c) of unstarred question No. 226.

Serial No.	Name.	Age.	Interviewing Officer.	Purpose of interview.	Time.	Place.	Length of time.	Whether guardian allowed to be present within view, etc.
1	2	3	4	5	6	7	8	9
		Years.						
1	Omitted ..	27	An Inspector of Police.	Examination regarding terrorist activities.	Day-time ..	Lonesing (her own house).	About 3 hours	Her near relatives were allowed to remain in view.
2	Do. ..	16	Do. ..	Do. ..	Do. ..	Do. ..	Do. ..	Do.
3	Do. ..	19	A Sub-Inspector of Police.	Do. ..	Do. ..	Bilashkhan (her own house).	About 1½ hours.	Do.
4	Do. ..	17	Do. ..	Do. ..	Do. ..	Do. ..	Do. ..	Do.

Vacancies in the two posts of compilers and one of typist in the School of Tropical Medicine.

227. Maulvi HAJI TOFEL AHMED CHOWDHURY: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that there were vacancies of the posts of a typist and of two compilers in the Medicinal Plants and Food Poisonous Enquiry Department in the School of Tropical Medicine; and

(*ii*) that there are no Muslim officers and clerks in the said department?

(*b*) If the answers to (*a*) are in the affirmative, is the Hon'ble Minister considering the desirability of appointing Muslims in these posts?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) Yes.

(*ii*) and (*b*) The member is referred to the answers given to (*b*) and (*c*) of the short notice question by Maulvi Ahmed Ali Mridha at this session on the 8th September. The vacancies mentioned there referred to the vacancies in the two posts of compilers and one of typist. The two posts of compilers have since been filled up by the Director of the School on the recommendation of the Selection Committee and one Hindu and one Muhammadan have been appointed.

Librarian of the Rajshahi College.

228. Mr. SURENDRA MOHAN MAITRA: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that—

(*i*) the post of the Librarian of the Rajshahi College was filled up by a Muhammadan candidate in accordance with a notice given to the *Star of India* and *Azad*;

(*ii*) a draft of the notice was sent from the office of the Director of Public Instruction to the Principal of the College for publication in these papers with a forwarding letter;

(*iii*) appointment to these posts are made by the Governing Body of the College;

(*iv*) the members of the Governing Body were not at all consulted or informed of the advertisement limiting the choice to Muhammadan candidates; and

(*v*) several members of the committee recorded their protests against this sort of interference by the Director of Public Instruction with the powers of the Committee?

(*b*) Will the Hon'ble Minister be pleased to state why in the matter of advertisements only two communal newspapers were selected to the exclusion of other newspapers?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) The post was filled up by a Moslem.

(*a*) (*ii*) and (*b*) A draft of the advertisement was sent to the Principal, Rajshahi College, from the Office of the Director of Public Instruction, the Principal being requested to forward the draft advertisement to the Press Officer for publication in the papers without any indication as to whether it should be published in any particular paper. As applications were invited from Moslem candidates only, the Press Officer had it inserted in two daily newspapers, one English and another Bengali having a large number of readers among Moslems.

(*iii*) Yes.

(*iv*) According to the standing orders of Government regarding the reservation of a certain percentage of appointments for Moslems, the Department of Public Instruction decided that the particular vacancy in the Subordinate Educational Service should be reserved for a Moslem and the Governing Body appointed a Moslem out of the candidates of this class who applied in response to the advertisement.

(*v*) Yes; certain members of the Governing Body of the Rajshahi College protested against the reservation of the post for a Moslem which the Department prescribed in pursuance of the policy laid down by Government to remove the great disparity in the number of posts held by non-Moslems and Moslems.

Maulvi ABDUL BARI: Will the Hon'ble Minister in charge of Education be pleased to state whether since the establishment of the Rajshahi College the post of Librarian has ever been filled by a Muhammadan?

The Hon'ble Mr. A. K. FAZLUL HUQ: It has always been held by a Hindu.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether previous to this appointment applications were made by Muhammadans but were turned down?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of it.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if out of the nine members of the Governing Body seven are Hindus and two only are Muhammadans?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not correct; six are Hindus and three are Muhammadans.

Damage caused by the breach in the western bank of the river Mor.

229. Dr. SHARAT CHANDRA MUKHERJI: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that a serious breach in the western bank of the river Mor has been causing a disastrous damage in the 8 unions of thanas Labpur and Nanoor in the district of Birbhum in about 40 to 50 thousand acres of land making them absolutely uncultivatable?

(*b*) Is it a fact that petition after petition to the District Magistrate and Chairman, District Board, proved useless?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to pay his immediate attention to this and sanction proper grant to save the inhabitants of about 60 villages in Thiba, Baidyanathpur, Krinnahar, Jamna, etc?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) The Mor is not embanked continuously; there are several *zemindari* embankments scattered along its right bank. When there is high flood in the river the flood water rushes into the fields and a large area is submerged.

(*b*) Yes.

(*c*) The Mor reservoir project is under the consideration of Government, if it becomes practicable to give effect to this costly scheme, it will be possible to control the flood in the river.

Abandonment of several Irrigation circuits in Damodar Division.

230. Mr. HARENDRA DOLUI: (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether it is a fact that several Irrigation circuits such as Ghatal circuit and Panna circuit in the Damodar Division have been abandoned for more than twenty years?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to enquire whether the inhabitants of the areas have been in any way benefited due to such abandonment of Irrigation circuits?

(*c*) If their sufferings are not remedied by this method of abandonment of circuits, will the Hon'ble Minister be pleased to state what steps, if any, the Government is going to adopt to redress the grievances of the poor people of the circuits in question?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) The Ghatal and Panna circuits were abandoned in 1927.

(*b*) The lands within these circuit embankments are gradually rising and this will be of lasting benefit to the cultivators.

(*c*) Does not arise.

Reciprocity of services between the British subjects in Bengal and Cooch Behar State.

231. Babu KSHETRA NATH SINGHA: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that His Majesty's subjects in Bengal are not allowed to serve in the Cooch Behar State?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of making the services reciprocal on both sides?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No, Sir.

(*b*) Does not arise.

Babu KSHETRA NATH SINGHA: With reference to answer (*a*), will the Hon'ble the Home Minister be pleased to make an inquiry into this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have given definite information and I do not know what more the honourable member wants.

Hardship caused to the people in the vicinity of reserved forests by wild animals.

232. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Is the Hon'ble Minister in charge of the Forest and Excise Department aware that cultivators living in the vicinities of reserved forests are subjected to hardship through the depredation of tigers, elephants and other wild animals, involving destruction of homesteads, loss of cattle and other domestic animals and even the death of human beings?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing such loss of property and life in the different forest districts of the province during the last five years with particulars of the Satkania and Banskhali police-stations of Chittagong?

(*c*) Will the Hon'ble Minister be pleased to state what steps, if any, have the Government taken or propose to take to remedy this state of affairs and for payment of compensation paid to the sufferers?

The Hon'ble Mr. PRASANNA DEB RAIKAT: (*a*) This sometimes happens.

(*b*) It is not possible to make an estimate of the damage done to the paddy crop by elephants and pigs.

A statement showing the loss of life in different forest divisions in Bengal during the last 5 years is laid on the Library table. Particulars in respect of the Satkania and Banskhali police-stations of the Chittagong Division are furnished in the statement below:—

Year.	In Banskhali and Satkania police-stations.
1932-33 ...	2 men killed by elephants.
	7 cows killed by tigers.
1933-34 ...	2 men killed by elephants.
	1 woman killed by elephants.
	2 cows killed by tiger.
	1 buffalo killed by tiger.
1934-35 ...	2 men killed by elephants.
	4 cows killed by tigers.
1935-36 ...	Nil.
1936-37 ...	2 women killed by elephants.

(*c*) All reliable persons who are owners of lands adjoining the forests are allowed to clear a belt one chain wide along the Reserve Forest boundary and rewards are paid for killing carnivora and proclaimed rogue elephants.

As regards elephants, *khedda mahals* are leased out annually in order to reduce the number of elephants. Free shooting licences are issued to approved sportsmen. A proposal for the employment of paid game rangers to shoot elephants is under consideration.

Necessary privileges have already been conferred on the owners of lands to protect themselves against the depredations of the wild animals and the question of grant of compensation to the sufferers does not arise.

Head warders and warder guards in the circle jails.

233. Al-Haj Maulana Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to lay on the table a statement showing the number of warder guards, including head warders, both permanent and temporary, showing separately in each of the circle jails and temporary special jails in Bengal?

(*b*) How many of them are the inhabitants of Bengal?

(*c*) How many of them belong to other provinces mentioning the names of provinces to which they belong?

(*d*) How many of them are Muhammadans stating names of provinces they belong to?

(*e*) Will the Hon'ble Minister be pleased to state the number of vacancies in the grade of warders both temporary and permanent during the years 1935, 1936 and 1937 up to June in each of the circle jails, and all district jails and sub-jails affiliated to the circle jails and also three temporary special jails at Dum-Dum and Hijli?

(*f*) How many of these vacancies were filled up by the candidates of Bengal and other provinces mentioning the names of each province they belong to?

(*g*) Is it a fact that in some of the circle jails and temporary jails the claims of Bengali candidates are being totally ignored and the posts are being filled up by the candidates of other provinces whenever there is any vacancy?

(*h*) If the answer to clause (*g*) is in affirmative, does the Government propose to take a census of the Bengal warders and also to issue necessary orders not to recruit any warders from provinces other than Bengal?

(*i*) Is it a fact that there is not a single Bengali head warder in Bengal jails, and, if so, what steps Government are going to take to appoint Bengali head warders in future?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) A statement is laid on the Library table.

(*e*) and (*f*) The information is not available and cannot be obtained without an expenditure of time, labour and money which Government are not prepared to undertake.

(*g*) No.

(*h*) Does not arise.

(*i*) A hill-man from Darjeeling district is the only head warder from the province. Bengali warders have only been recruited in recent years and none are yet sufficiently senior for the post of head warder. When senior enough their claims will be given full consideration.

Percentage of Muslim appointments in the offices under the District Judge, Noakhali.

234. Mr. SHAH SYED GOLAM SARWAR HOSAINI: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether there are rules laying down the proportion of Muslims to be appointed to the clerical posts in the offices of the District Judges of the various districts?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the same proportion has been maintained in the offices under the District Judge of the Noakhali district?

(*c*) Is the Hon'ble Minister aware that in March and April last out of 20 appointments made to the clerical posts in the offices under the District Judge of Noakhali only 7 were given to the Mussalmans?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the requirements of the rules were fulfilled in the case referred to in (*c*)?

(*e*) If not, will the Hon'ble Minister be pleased to state, what steps he proposes to take to satisfy the requirements of the rules?

(*f*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether he proposes to lay down rules to regulate Muslim representation?

(*g*) Is the Hon'ble Minister aware that the population of Noakhali is predominantly Muslim?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he proposes to lay down rules fixing the percentage of Muslim appointments to such posts on the basis of Muslim population in the Noakhali district?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: (*a*) Copies of Government Circulars No. 1984-1987 A. and No. 1276 A., dated the 28th October, 1925, and 11th June, 1926, respectively, bearing on the subject are laid on the Library table.

(*b*) The percentage of present appointments under the Judgeship of Noakhali is 44, the minimum fixed under the rules is 33⅓ per cent.

(*c*) The annual return of the employment of Muhammadan ministerial officers submitted by the District Judge for the year 1936-37 shows that out of 3 permanent vacancies one was filled up by a Muhammadan and out of 22 temporary clerks appointed during the year 8 were men of that community.

A copy of the return is laid on the Library table.

(*d*) Yes

(*e*) and (*f*) Do not arise.

(*g*) Yes.

(*h*) The matter is under consideration so far as departments under my charge are concerned. [*Vide* answer to unstarred question No. 124 (*b*) put by Maulvi Waliur Rahman, M.L.A.]

Mr. SPEAKER: Questions are finished. May I know when is the prayer-time?

Maulvi ABDUL BARI: This is the time, Sir. The *azan* is being recited there.

Mr. SPEAKER: I see that the time has moved up, and so I should adjourn the House for prayer now.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Our attention has been drawn by my friend Mr. Bari that *azan* has been called. We do not all know what an *azan* is. (Maulvi ABDUL BARI: Then you should learn it.) May I submit, Sir, of course, without wounding the feelings and the susceptibilities of anybody or of any community, that we have a definite hour for adjournment and that it is for you to adjourn the House? Are we going to be guided in our adjournments by outside influences or calls from outside?

Mr. SPEAKER: Dr. Sanyal knows very well that outside influences cannot influence the prayer-time except the influence of the Sun.

I shall now adjourn the House for 20 minutes for prayer.

The House was then adjourned for 20 minutes.

(After adjournment.)

COVERNMENT BILL.

Mr. SPEAKER: We will take up the Bengal Tenancy (Amendment) Bill. Yesterday we were discussing clause 6; but I think it would be convenient if we can dispose of clause 4 and then take up clause 6 again.

Dr. NALINAKSHA SANYAL: Yesterday I made a submission that you might please define certain special features of these amendments and let us have a discussion on all of them and come to a proper decision and then we can come to the appropriate clauses and vote on them.

Mr. SPEAKER: I am going to do that as soon as the clauses are moved.

Kumar SHIB SHEKHARESWAR ROY: There ought to be a general discussion.

Mr. SPEAKER: Yes, there will be a discussion on clause 26F. Sir Bijoy will you please move your amendments on clause 4.

Rai HARENDRA NATH CHOUDHURY: Clause 4 depends on clause 5. Therefore clause 5 should be taken up first.

Mr. SPEAKER: Sir Bijoy, please move your amendments on clauses 4 and 5 and I will put them one after the other.

Clause 4.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in sub-section (*1*) of new section 26C for the words beginning "unless it is accompanied" and ending "if any", the following be substituted, namely:—

"unless it is accompanied by—

(*i*) a notice giving particulars of the transfer in the prescribed form, together with the process-fee prescribed for the service thereof on the landlord or his common agent, if any, and

(*ii*) such notices and process-fees as may be required by sub-section (*3a*)."

Moved that in sub-section (*2*) of new section 26C for the words "notice-fee, process-fee and transmission cost similar to those referred to in" the words, figures and brackets "process-fee similar to those referred to in clause (*i*) of" be substituted.

Moved that in sub-section (*3*) of new section 26C for the words "and deposits a notice-fee, process-fee and transmission cost" the words "or notices and deposits a process-fee or fees" be substituted.

Moved that after sub-section (*3*) of new section 26C the following sub-section be inserted, namely:—

"(*3a*) If the transfer of a portion or share of such a holding be one to which the provisions of sub-section (*1*) of section 26F apply, there shall be filed notices giving particulars of the transfer in the prescribed form together with process-fees for the service thereof on all the co-sharer tenants of the said holding who are not parties to the transfer."

New clause 5A.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the following new clause 5A be inserted, namely:—

"5A for section 26F of the said Act the following section shall be substituted, namely:—

"26F. (*1*) Except in the case of—

(*a*) a transfer to a co-sharer in the tenancy whose existing interest has accrued otherwise than by purchase, or

(*b*) a transfer by bequest, exchange, lease partition or gift (including *heba* but excluding *heba-bil-ewaz* for any pecuniary consideration), or

(*c*) a *wakf* in accordance with the provisions of the Muhammadan law which provides amongst other purposes for the maintenance of the donor himself or the spouse of the donor or any relation by consanguinity within three degrees of the donor, or

(*d*) a dedication for religious or charitable purposes without any reservation of pecuniary benefit for any individual—

one or more co-sharer tenants of the holding a portion or share of which is transferred, may within four months of the service of the notice under section 26C, apply to the court for the said portion or share to be transferred to himself or themselves.

(*2*) The application shall be dismissed unless the applicant or applicants at the time of making it, deposit in Court the amount of the consideration money or the value of the transferred portion or share of the holding, as stated in the said notice, together with compensation at the rate of ten *per centum* of such amount.

(*3*) If such deposit is made, the Court shall give notice to the transferee to appear within such period as it may fix and to state what other sums he has paid in respect of rent or in annulling incumbrances on the property since the date of the transfer. The Court shall then direct the applicants [including any person whose application under sub-section (*4*) has been granted] to deposit within such period as the Court thinks reasonable, such amount as the transferee has paid on such account, together with interest at the rate of six and a quarter *per centum per annum* with effect from the date on which the transferee made such payments.

(*4*) (*a*) When an application has been made under sub-section (*1*), any of the remaining co-sharer tenants, including the transferee if one of them, may within the period referred to in that sub-section or within one month of the date of the application, whichever is later, apply to join in the said application; any co-sharer tenant who has not applied under either sub-section (*1*) or this sub-section shall not have any further power of purchase under this section.

(*b*) Such application to join as a co-applicant shall be dismissed unless within such period as the Court may fix not extending beyond the period referred to in clause (*a*), the applicant deposits in Court for payment to the applicant or applicants under sub-section (*1*), such sum as the Court shall determine as the share to be paid by him for the purposes of sub-section (*2*). If such deposit is made, the Court shall grant the application to join, and thereafter such applicant shall be deemed to be an applicant under sub-section (*1*).

(*5*) The Court shall thereafter make an order allowing the applications under sub-section (*1*) of such applicants [whether they applied

under sub-section (*1*) or sub-section (*4*)] who have made the deposits required by this section and directing that the deposits made under sub-sections (*2*) and (*3*) shall be paid to the transferee or to such other persons as the Court thinks equitable.

(*6*) From the date of the making of the order under sub-section (*5*)—

(*a*) the right, title, and interest in the portion or share of the holding accruing to the transferee from the transfer shall, subject to the provisions of section 22, be deemed to have vested jointly and free from all incumbrances which have been annulled or created after the date of the transfer in the co-sharer tenants whose applications to purchase have been allowed under this section,

(*b*) the liability of the transferee for the rent due from him on account of the transfer shall cease, and

(*c*) the Court on further application of such applicant or applicants may place him or them, as the case may be, in possession of the property vested in them.

(*7*) When a transferee is divested of his right, title, and interest under the provisions of sub-section (*6*), he shall for the purposes of clauses (*a*), (*c*) and (*d*) of section 156 be deemed to be a *raiyat* ejected from his holding by proceedings for his ejectment commencing on the date on which the application under sub-section (*1*) was made.

(*8*) Nothing in this section shall take away the right of pre-emption conferred on any person by Muhammadan law".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 5A in proposed section 26F(*1*) for clauses (*b*) and (*c*), the following be substituted, namely:—

"(*b*) a transfer by bequest, exchange, lease, partition or gift (including *heba* but excluding *heba-bil-ewaz* for any pecuniary consideration other than in favour of the donor's wife), or

(*c*) a *wakf* in accordance with the provisions of the Muhammadan law, or".

Clause 5.

The Hon'ble Sir BIJOY PRASAD SINGH ROY moved that for the word, figures and letters "26E and 26F" the word, figures and letter "and 26E" be substituted.

Mr. SPEAKER: I think I should make it clear that I am taking sections 4 and 5 together, because one is dependent on the other. I

will decide in which manner they should be put later on, but for the time being both these clauses are under discussion. The result of the amendment of clause 5 and the new clause 5A, which the Hon'ble Sir Bijoy Prasad Singh Roy moved, is this: that in so far as clause 5 is concerned, the effect will be that the words and figures "26F" will be deleted. In other words, only 26D and 26E will be repealed and 26F will be substituted by the new clause about pre-emption which Sir Bijoy has just moved. That will make the position clear. So far as clause 4 is concerned, Sir Bijoy has moved an amendment which requires a notice to be given to the co-sharer tenants in the event of his exercising the right of pre-emption and the necessary corollary to it.

Now all these motions are open for discussion.

Babu NAGENDRA NATH SEN: On a point of information, Sir. With regard to Sir Bijoy's new amendment, I refer you to my amendment No. 409 at page 59 where it is stated "any final order made by the court under this section shall have the effect of decree and may be appellable as such". May I be permitted, Sir, to move only that portion of my amendment No. 409? I do not move the rest of the amendment.

Mr. SPEAKER: Will you show me where in the substantive section of Sir Bijoy there is any reference to a final order made by the court?

Babu NAGENDRA NATH SEN: It is on page 4, amendment No. 6(*c*) of Sir Bijoy where it is stated "the court on further application of such applicant or applicants may place him or them, as the case may be, in possession of the property vested in them". My amendment is with reference to 6(*c*).

Mr. SPEAKER: Then you want to add to 6(*c*) the last part of your amendment No. 409.

Babu NAGENDRA NATH SEN: Yes, Sir. With your permission I move that in the new amendment moved by the Hon'ble Revenue Minister the following may be added: "Any final order made by the Court under this section shall have the effect of decree and may be appellable as such".

Mr. SURENDRA NATH BISWAS: Sir I take it that my amendment has been moved. Which is the wording of my amendment that I want to know.

Mr. SPEAKER: I shall make it clear to you when I accept the wording of Sir Bijoy.

Mr. SURENDRA NATH BISWAS: This is my amendment except the word "lease".

Mr. SPEAKER: In view of the difficulties, I have allowed him to move the amendment as his own. There is this difference between your amendment and Sir Bijoy's that there is the word "lease" in his amendment, whereas the word does not appear in your amendment. It will be for the House to decide which one to accept. I will put it clearly before the House.

Kumar SHIB SHEKHARESWAR ROY: Sir, the Hon'ble Revenue Minister seems to have developed the skill of a quick change artist to perfection. In the matter of the landlord's fees he changed fronts thrice in quick succession; now in the matter of the abolition of the right of pre-emption he has not lacked to keep up his reputation. In his Objects and Reasons he clearly said that he wanted to abolish the system and made provisions in the Bill accordingly. The Congress goes a step further and wants to transfer the right to the co-sharer of the transferor. The bait proved too much for the Projabondhus of the Coalition. The ever-obliging Revenue Minister rose equal to the occasion and produced a scheme to order. Being a Hindu, he was, however, innocent of the intricacies of *Hebas* and *Wakfs* and at the wave of the wand, he now stands before us with his third change of front.

Sir, your interpretation of the word "abolition" in the Objects and Reasons has been a God-sent to him and has enabled him to drop the scheme of abolition and come forward with a scheme for transferring the right of landholders to the co-sharer of the transferor. He has not uttered a single word in support of the merits of his amendments. He does not care to explain why he wants to take away the right from the landholders or why that right should be given to the co-sharer-raiyat. He is a smart forward of the powerful sporting eleven and an excited crowd of 112 club members are watching the game. What needs he to observe the rules of the game. it is enough that he troubles himself to pick up the ball and put it into the opposite goal. Cheers go round; *Vox populi vox dei*, and the match is won. Your presence as the referee, however, encourages us to raise a feeble voice of protest. Sir, let me assert without any fear of contradiction that we have never misused our right. Statistics prove that beyond any shadow of doubt. We have exercised the right on rare occasions only when the purchaser has been an undesirable tenant or when the transferor, on second thought, or one of his co-sharer come to us seeking for relief. We as landholders have very justifiable grounds to have a say in the selection of our tenants. The relationship of a landlord and tenant is not merely that of paying and receiving rents. Under the existing land system in Bengal, we

are interdependent on each other in many matters. We surely cannot have an undesirable tenant foisted on us. The right of pre-emption is the only protection we have now against an undesirable tenant coming into our zamindari by right of purchase. The right of pre-emption does not in any way affect the interests of the transferors. And if we look dispassionately at the thing, it will be seen that the right does not adversely affect the right of the purchaser. For, Sir, we have to exercise the right within a month and have to pay to the transferee in addition to all expenses incurred by him, a compensation calculated at the rate of 10 per cent. of his total outlay. Thus, Sir, he is privileged to make a profit of 10 per cent. in the course of a month. In very few trades can any one make a profit of 10 per cent. in a month. So what valid ground has he to be dissatisfied with the procedure. If we are prepared to incur so much expenses to get rid of a new tenant, it ought to be presumed that we think him to be an undesirable tenant and the law ought to help us, in the interest of law and order, to avoid him.

Then, Sir, when the Revenue Minister wants to transfer the right of pre-emption to the co-sharer of the transferor, he helps nobody. If the co-sharer could afford to purchase the land, he would do so without incurring an additional expense of 10 per cent. compensation money. In such cases there would be no occasion for the sale to a third party. Then, Sir, the Projabondhus should not overlook the fact that by this provision, though it deprives an honest landlord of a just right, it only gives a handle to an unscrupulous landlord to cause any amount of mischief. Those who have any experience of village will bear me out when I say that it would be the easiest possible thing for a landholder to set up and finance a co-sharer tenant to exercise the right against the purchaser. Sir, I have been very frank with the House and I appeal to the House to think over the matter very seriously before the House decides either to deprive us of the right or to transfer the same to the co-sharer of the transferor.

Mr. SPEAKER: I think it will be better if I now place the amendments. I must frankly say that there is a considerable difficulty as to the order in which the amendments are to be placed and the sections. I am not responsible for the draft, but as I read the draft, I find that in section 26C as newly proposed by Sir Bijoy, there is reference to 26F and again in 26F there is reference to 26C; that is a difficulty that one has to be placed before the other and I leave it to the House to decide how its fate on the other will take place, but I think I should make it clear as to how these amendments are to be put. I am following the sections as they are in the Bill.

Mr. SURENDRA NATH BISWAS: Sir, will you not allow me to discuss any of our amendments?

Mr. SPEAKER: Mr. Bose, should there be discussion of this clause any more, because I think we have discussed this matter enough.

Mr. SARAT CHANDRA BOSE: Sir, there has hardly been sufficient discussion.

Mr. SURENDRA NATH BISWAS: Sir, I want to tell the House that my amendment is just the same as that moved by the Hon'ble Minister for Revenue except the word "lease" in clause (*b*). If the Hon'ble Sir Bijoy Prasad Singh Roy's amendment be accepted, then the effect will be that a co-sharer tenant will not be entitled to pre-empt in cases when the transferor lets out the land on a long term of lease. It has been a common knowledge to all the members of this House that a transferor can avoid the effect of transfer by giving a long lease. So, if the transferree does not intend to transfer to his co-sharer a portion of his holding which he wants to transfer, although the co-sharer may be willing at that time, he may take the course of giving out that land on a long lease and thus evade the pre-emption by his co-sharer. I do not want to inflict a long speech, but I only want the members of this House to consider this fact that if a co-sharer tenant is really to be given the right to pre-empt in the case of a transfer by his co-sharer, then all possible loopholes must be removed so that he may be given the real right. I am afraid that if Sir Bijoy Prasad Singh Roy's amendment with the word "lease" be accepted, then many transfers will be made under the garb of lease, and in that case the co-sharer tenant will not be entitled to enjoy the right of pre-emption, which we, the members of this House, have every mind to give him. Sir, with these words, I commend my amendment and I hope that the members will consider this fact and support my amendment instead of Sir Bijoy Prasad Singh Roy's amendment.

Babu NAGENDRA NATH SEN: Sir, the rule of pre-emption which has been initiated in this Bill is not peculiar to the Moslems alone; in some parts of the United Provinces and in some parts of Bihar, the Hindus as well enjoy the right of pre-emption under certain circumstances. It is a valuable right under the Moslem constitution and it is a great pleasure that this valued right is about to be introduced in Bengal, irrespective of any caste or creed. I am not speaking anything as regard the loss to the zemindars because pre-emption is in their favour or the total abolition of the landlords' transfer fee—that matter I am not dilating upon, but if there is to be given any protection either to the landlord or to the tenant, the rule of pre-emption in favour of co-sharer tenant is just as good as the law in favour of pre-emption of the landlord. If there is amity between the landlord and the tenant and if a certain co-sharer of the tenancy transfers his interest either by way of sale or by transfer, it is quite open to the other co-sharer tenant to acquire that portion, and if there is amity between the landlord and the tenant, it is just as well possible for the landlord to induce the co-sharer tenant to take advantage of the principle of pre-emption and thereby to help both the landlord and

the co-sharer tenant by keeping that parcel of land in the possession of the original tenant. So there is much to be said in favour of the rule of pre-emption and as has been pointed out by my friend Mr. Surendra Nath Biswas, if the system of transfer by lease is omitted from the category which comes under the principle of pre-emption, then what is given by one hand is rather practically taken away by the other.

Then, as regards my own amendment, I would submit before this House that order of the court in making an order of transfer in favour of the pre-emptor ought to be made applicable, because the order of adjudication is just as much a decree as in an ordinary title suit, and as such, it should be made applicable. It decides the respective rights of the landlords, tenants, co-sharers and the transferee, and, as such, the matter should not be left to the adjudication of the trial court. It is a matter which eminently calls for the right of appeal which is vested in the higher courts, and, therefore, the matter ought to be made applicable.

Maulvi TAMIZUDDIN KHAN: Sir, my honourable friend Mr. Nagendra Nath Sen has spoken a few words in praise of the Muhammadan law of pre-emption and he feels very pleased to find that non-Moslems also are going to be given that right by the provisions of the Bill. All that sounds quite well; but I think, Sir, that I should raise a note of warning to those of my friends who are in favour of this clause regarding pre-emption. As a rule, I am not in favour of putting any clog whatsoever on the free transfer of property. There is no doubt that the Moslem law provides for pre-emption but you, know, Sir, how many restrictions are put on the intending pre-emptor. The restrictions are so very stringent that it is almost impossible for a man to exercise the right of pre-emption under the Moslem law and restrictions have been very wisely imposed, because if these restrictions are not there, one can easily frustrate a transferee to purchase a property for value. We are going to abolish pre-emption by the landlord and we have done that for very good reasons.

My honourable friend, Kumar Shib Shekhareswar Roy, says that there is no reason for abolishing this right of the landlord to exercise pre-emption in certain cases. I think he says that that right would always have been used in the interest of *bona fide* agriculturists. I doubt if the landlord would ever exercise such a right for a laudable purpose. They will only exercise that right when it suits their personal ends and for their own personal gain. Therefore, we are going to abolish the right on valid grounds, but when we are giving that right to co-sharer tenants, I think we are laying the door open to a good deal of mischief. (Hear, hear.) One of the mischiefs has been pointed out by the Kumar Shahib. Unscrupulous landlords can always prevail upon a co-sharer to exercise the right of pre-emption against a *bona fide*

purchaser. I would also ask my friends to consider another aspect of the question. As we all know, there are party factions in every village and there is hardly any man living in a village who has not got an enemy. As soon as I intend to purchase a property, my enemy gets a scent of it and gets hold of the transferor's co-sharers and frustrate my object. Therefore it will be extremely difficult to purchase a part or a share of a holding if this clause becomes law. This question has been considered by various parties and certain decisions may have been arrived at; but I think it is a very important question and if it is realised even on the floor of the House that we are courting danger, I think there should be no reason why we should not revise our decisions. So far as I am concerned, I think it will do more harm than good to the people.

Dr. NALINAKSHA SANYAL: Sir, may I put a question to the Hon'ble Sir Bijoy Prasad Singh Roy, so that he may give an answer in the course of his reply? I am a humble student of economics and I want to know from Sir Bijoy in whose interests this pre-emption of landlord is proposed to be taken away, because I feel that if it is in the interests of the tenants, the removal of this right of pre-emption from the landlords frustrates the purpose of helping the tenant. If it is in the interests, on the other hand, of some other group or groups who have to be satisfied by the present Government, that is another matter. I should like to have an answer on this point from the Revenue Minister in the course of his reply.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in reply to what has been asked by Dr. Sanyal, I would request him to bear one fact in mind and that is that the right of pre-emption was granted to the landlords in 1928 as a *quid pro quo* to the right of transferability conferred on the tenants; it was a clog on transfer. When the landlord considers that somebody who has purchased a holding is not a desirable tenant in his opinion, he might step in to prevent that man from getting possession of the land; if he did not want to accept the tenant, he might exercise his right of pre-emption. So that was the main principle on which the right of pre-emption was conceded to the landlords. But the right of pre-emption that is now suggested is based entirely on a different principle. This right of pre-emption of co-shares tenants will help the consolidation of holdings and will prevent family property from passing out of the family into the hands of strangers: that is a very important point. It may be that the brother of a tenant gets into difficulties and he wants to part with his share of the family holding; it may go into the hands of undesirable persons—undesirable from the point of view of the family. So by conferring the

right of pre-emption on the co-sharer tenant we really prevent a great nuisance—if I may use that expression. The proposal is in the interests of the tenants. As my friend is a student of economics, I take it that he believes in the consolidation of holdings rather than in the segmentation of holdings. (Rai HRENDRA NATH CHOWDHURY: But there might be too much consolidation.) I am really sorry to find that my friend, Rai Harendra Nath Choudhury, who is a landlord himself, is in favour of segmentation of holdings and instead of accepting the proposal of Government he wants to criticise it adversely. No landlord who has got the interest of his tenants at heart will do so, because the greatest problem of Bengal to-day is the problem of segmentation of holdings and it is the duty of Government to prevent such segmentation if they can.

In reply to what has fallen from my esteemed friend, Kumar Shib Shekhareswar Roy, I might submit that there is no analogy between the right of pre-emption of the landlord and the right of pre-emption that is now being conferred to the co-sharer tenant. As the hon'ble member knows very well, the right of pre-emption has seldom been exercised by the landlord. On very rare occasions that right has been exercised during the last eight or nine years during which the landlord has been enjoying this right. But it is a common knowledge that when there is a division in the family and a portion of the family holding passes out of the hands of the family and goes to a money-lender or a person who may be an enemy of the family, it is in the interest of the tenant and in the interest of the peace and tranquillity of the village that the co-sharer tenant should have the right to get back the family land and prevent it from passing from the hands of a brother to the hands of a stranger. That is a salutary principle which has prompted Government to accept the principle of the amendment moved by my friend Mr. Biswas. I am grateful to him for making this suggestion. The drafting is mine but the principle is his and I give him full credit for that. With these few words, I support my proposal and oppose the amendments.

Rai HARENDRA NATH CHOUDHURY: On a point of personal explanation, Sir. The Hon'ble Minister has absolutely misinterpreted what I have said. He referred to the fact that this pre-emption would lead to consolidation of holdings and he was offering an explanation to the question that was put by Dr. Nalinaksha Sanyal. I only objected by saying that there would be too much consolidation and at once he flew to the other pole and said that I might be in favour of segmentation. I am in favour of what is known as the small holding system in Europe, but I am not in favour of reduction in economic holdings and also not in favour of consolidation of holdings. I am in favour of the small holding system in Europe.

The following amendments of the Hon'ble Sir Bijoy Prasad Singh Roy were then put and agreed to:—

That in sub-section (*1*) of new section 26C for the words beginning "unless it is accompanied" and ending "if any" the following be substituted, namely:—

"unless it is accompanied by—

(*i*) a notice giving particulars of the transfer in the prescribed form, together with the process-fee prescribed for the service thereof on the landlord or his common agent, if any, and

(*ii*) such notices and process-fees as may be required by sub-section (*3a*)."

That in sub-section (*2*) of new section 26C for the words "notice-fee, process-fee and transmission cost similar to those referred to in" the words, figures and brackets "process-fee similar to those referred to in clause (*i*) of" be substituted.

That in sub-section (*3*) of new section 26C for the words "and deposits a notice-fee, process-fee and transmission cost" the words "or notices and deposits a process-fee or fees" be substituted.

That after sub-section (*3*) of new section 26C the following sub-section be inserted, namely:—

"(*3a*) If the transfer of a portion or share of such a holding be one to which the provisions of sub-section (*1*) of section 26F apply, there shall be filed notices giving particulars of the transfer in the prescribed form together with process-fees for the service thereof on all the co-sharer tenants of the said holding who are not parties to the transfer."

The question that clause 4, as amended, stands part of the Bill was then put and agreed to.

The motion of Mr. Surendra Nath Biswas regarding the new section 26F was then put and lost.

The amendment of Babu Nagendra Nath Sen was then put and lost.

The amendment of the Hon'ble Sir Bijoy Prasad Singh Roy regarding the new clause 5A, which is as follows, was then put and agreed to:—

For section 26F of the said Act the following section shall be substituted, namely:—

"26F. (*1*) Except in the case of—

(*a*) a transfer to a co-sharer in the tenancy whose existing interest has accrued otherwise than by purchase, or

(*b*) a transfer by bequest, exchange, lease, partition or gift (including *heba* but excluding *heba-bil-ewaz* for any pecuniary consideration other than in favour of the donor's wife), or

(*c*) a *wakf* in accordance with the provisions of the Muhammadan Law, or

(*d*) a dedication for religious or charitable purposes without any reservation of pecuniary benefit for any individual—

One or more co-sharer tenants of the holding a portion or share of which is transferred, may within four months of the service of the notice under section 26C, apply to the Court for the said portion or share to be transferred to himself or themselves.

(*2*) The application shall be dismissed unless the applicant and applicants at the time of making it, deposit in Court the amount of the consideration money or the value of the transferred portion or share of the holding, as stated in the said notice, together with compensation at the rate of ten *per centum* of such amount.

(*3*) If such deposit is made, the Court shall give notice to the transferee to appear within such period as it may fix and to state what other sums he has paid in respect of rent or in annulling incumbrances on the property since the date of the transfer. The Court shall then direct the applicants [including any person whose application under sub-section (*4*) has been granted] to deposit within such period as the Court thinks reasonable, such amount as the transferee has paid on such account, together with interest at the rate of six and a quarter *percentum per annum* with effect from the date on which the transferee made such payments.

(*4*) (*a*) When an application has been made under sub-section (*1*), any of the remaining co-sharer tenants, including the transferee if one of them, may within the period referred to in that sub-section or within one month of the date of the application, whichever is later, apply to join in the said application; any co-sharer tenant who has not applied under either sub-section (*1*) or this sub-section shall not have any further power of purchase under this section.

(*b*) Such application to join as a co-applicant shall be dismissed unless within such period as the Court may fix not extending beyond the period referred to in clause (*a*), the applicant deposits in Court for payment to the applicant or applicants under sub-section (*1*), such sum as the Court shall determine as the share to be paid by him for the purposes of sub-section (*2*). If such deposit is made, the Court shall grant the application to join, and thereafter such applicant shall be deemed to be an applicant under sub-section (*1*).

(*5*) The Court shall thereafter make an order allowing the applications under sub-section (*1*) of such applicants [whether they applied under sub-section (*1*) or sub-section (*4*)] who have made the deposits required by this section and directing that the deposits made under sub-sections (*2*) and (*3*) shall be paid to the transferee or to such other persons as the Court thinks equitable.

(*6*) From the date of the making of the order under sub-section (*5*)—

(*a*) the right, title, and interest in the portion or share of the holding accruing to the transferee from the transfer shall, subject to the provisions of section 22, be deemed to have vested jointly and free from all incumbrances which have been annulled or created after the date of the transfer in the co-sharer tenants whose applications to purchase have been allowed under this section,

(*b*) the liability of the transferee or the rent due from him on account of the transfer shall cease, and

(*c*) the Court on further application of such applicant or applicants may place him or them, as the case may be, in possession of the property vested in them.

(*7*) When a transferee is divested of his right, title, and interest under the provisions of sub-section (*6*), he shall for the purposes of clauses (*a*), (*c*) and (*d*) of section 156 be deemed to be a raiyat ejected from his holding by proceedings for his ejectment commencing on the date on which the application under sub-section (*1*) was made.

(*8*) Nothing in this section shall take away the right of pre-emption conferred on any person by Muhammadan law".

The motion that clause 5, as amended, stands part of the Bill was then put and agreed to.

Clause 6.

Babu UPENDRA NATH BARMAN: I beg to move—

That in clause 6(*6*) in proposed section 26G (*5*) in line 12 for the words "from the date of the registration of the instrument" the words from the date on which Bengal Tenancy (Amendment) Act of 1928 came into force" be substituted.

That in clause 6(*6*) in proposed section 26G (*5*) in line 15 after the words "mortgagee's", the words "or the transferee from the mortgagee's" be inserted.

That in clause 6(*6*) in proposed section 26 G (*5*) in line 15 after the word "possession" the words "whichever is later" be inserted.

Babu NAGENDRA NATH SEN: This may come under clause dealing with section 48F and amendment No. 582 of Rai Harendra Nath Choudhury.

Mr. SPEAKER: This Chapter relates to the occupancy raiyat. If you want to move it at the relevant place, you will have to give a notice again.

Mr. SURENDRA NATH BISWAS: If that is in order, Sir, then the other amendments will be only consequential, because if you allow the first portion then the implication is this that you allow an ordinary usufructuary mortgage being effected after the passing of the Bengal Tenancy (Amendment) Act of 1928, *i.e.*, from now also. If you allow that, then in section 26G the omission of the words that I have asked the House to omit becomes absolutely necessary. The first paragraph of section 26G says: "An occupancy raiyat may enter into a complete usufructuary mortgage in respect of his holding or of a portion or share thereof for any period which does not and cannot, in any possible event, by any agreement, express or implied, exceed fifteen years." Here, Sir, it mentions only complete usufructuary mortgage. If my first part is allowed, then you should also allow me to move that an occupancy raiyat may enter into any kind of usufructuary mortgage.

Dr. NALINAKSHA SANYAL: "Any kind" is an adjective of mortgage and not of tenants.

Mr. SPEAKER: I think you are right, Mr. Biswas. Will you move then amendments Nos. 467 and 468?

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that for the words "a complete" in the first line of section 26G of the said Act the words "any kind of" shall be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a point of order, Sir, at this stage? The honourable member's proposal seems to be that instead of a complete usufructuary mortgage there should be any kind of mortgage. If so, is that not beyond the scope of section 26G?

Mr. SPEAKER: That was my original impression also, but I now find that by adding the proviso you want to bring "no other form of usufructuary mortgage", and when you want to bring "no other form of usufructuary mortgage" within the cognizance of this section, then I take it that "any other form of usufructuary mortgage" can be brought in.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not want to bring in anything, Sir. That is in the existing section.

Mr. SPEAKER: I am not concerned with that. I am only concerned with the technical aspect and not with the merits of the question. If you say in the proviso that no other form of mortgage will be allowed, then it is equally open to the other side to move that all other forms of mortgage should be allowed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In the Act, Sir, there is a definition of complete usufructuary mortgage. I am confining my amendment to section 26G, which, again, is limited to complete usufructuary mortgage. Now, Sir, the honourable member suggests that it may be "any kind of mortgage," which would place it completely outside the scope of section 26G, because that section deals with complete usufructuary mortgage which is defined in the Act.

Mr. SPEAKER: The difficulty, Sir Bijoy, is that you are bringing within the cognizance of this section "no other forms of usufructuary mortgage."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not bringing in anything. It is in the Act itself. I shall just draw your attention to the fact that section 26G deals with an occupancy raiyat being allowed to enter into a complete usufructuary mortgage, etc., etc. So, the whole section deals with complete usufructuary mortgage, and with no other form of mortgage, and there is a definition of complete usufructuary mortgage in the Act itself. Now, Mr. Biswas seeks to introduce all forms of mortgage including usufructuary mortgage, and that would widen the scope of the section very much. I submit, Sir, that my amendment does not go beyond the scope of the section.

Mr. SPEAKER: I think, Sir Bijoy, you are labouring under a misapprehension. I quite understand your point. If section 26G were left as it is without the addition of a proviso, then the aspect would have been quite different, because there is a definition in the statute of a complete usufructuary mortgage. Now, there is in this section (*1*) a certain thing in reference to complete usufructuary mortgage. The difficulty is that you are changing the entire character of that section by introducing a proviso saying that no other form of usufructuary mortgage shall be allowed. Now, if you had said that no other form of "complete" usufructuary mortgage would be allowed, then I could have ruled out Mr. Biswas's amendment. My difficulty is the language in your proviso, viz., that no other form of usufructuary mortgage would be allowed. And, therefore, by this proviso you have opened up section 26G(*1*).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Which proviso?

Mr. SPEAKER: First proviso.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Well, Sir, the first proviso reads thus: "Provided that such a document executed before the commencement of the Bengal Tenancy (Amendment) Act, 1928, may be so received in evidence or so acted upon as a complete usufructuary mortgage for the period mentioned therein or for 15 years, whichever is less".

Mr. SPEAKER: No, no. I mean the first paragraph clause 6, which begins thus "at the end of sub-section (*1*), the following shall be inserted, namely—etc., etc.".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But, Sir, the words are taken from section 26G(*4*).

Mr. SPEAKER: I am not concerned with that; I am concerned only with the technical aspect of the question. Do you want to add a proviso by which you abandon "complete" usufructuary mortgage and bring in any other form of usufructuary mortgage?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, I want to submit that I do not want to do so. The only object of the Bill clause is to give retrospective effect and that is all that is sought to be done here, and we have confined ourselves entirely to "complete" usufructuary mortgage as defined in the Act. The sole object of this amending Bill clause, I may again repeat, Sir, is to give retrospective effect.

Mr. SPEAKER: May I ask you one question, Sir, Bijoy? What is the meaning of the words "complete usufructuary mortgage" and the words "no other form of usufructuary mortgage" in the proviso Do you understand the difference between the words "complete usufructuary mortgage" and the words "no other form of usufructuary mortgage"?

Mr. Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. In one place the word "complete" has been used, whereas in another it has been left out.

Mr. SPEAKER: I am afraid your drafting is wrong then, and I am absolutely certain about it for this reason that in section 26G(*1*) you refer to complete usufructuary mortgage and then you want to add a paragraph saying "no other form of usufructuary mortgage." You

must realise that usufructuary mortgage may be of different kinds—complete usufructuary mortgage under the Bengal Tenancy Act and any other form of usufructuary mortgage, and when you bring forward a proviso, viz., no other form of usufructuary mortgage, I am afraid that this merely introduces a complete usufructuary mortgage. In any case, I must allow Mr. Surendra Nath Biswas to move this amendment, or rather the two amendments—Nos. 467 and 468.

Mr. Biswas, you have already moved amendment No. 467. Will you move amendment No. 468 also?

Mr. SURENDRA NATH BISWAS: Let me move my amendment No. 468 first. Sir, I beg to move that at the end of sub-clause (*1*) of clause 6 of the Bill the words "beyond 15 years from the date of the mortgagee's entry into possession of the mortgaged land" shall be added.

Between the sub-clauses (*a*) and (*b*) of sub-clause (*5*) of the said clause 6 the following shall be added, namely:—

(*a1*) for the words "a complete" in clause (*a*) of sub-section (*4*) of section 26G of the said Act the words "any kind of" shall be substituted;

(*a2*) the word "or" appearing at the end of clause (*a*) and the entire clause (*b*) of the said sub-section (*4*) of section 26G of the said Act shall be omitted.

The object of my amendment is in short to give the raiyat the right to create an ordinary usufructuary mortgage for 15 years. Section 26G says that an occupancy raiyat shall not be entitled to create an ordinary usufructuary mortgage at all whether for 15 years or for one year. Sir, the propriety of this section itself—I mean section 26G—has now gone with the extinction of the landlord's fee, and therefore I do not see any reason why a tenant's right to create a mortgage of his land in any way he likes should be restricted. We have been claimant for the absolute right of transfer to the tenant but this section 26G restricts that right to some extent. Sir, what is a usufructuary mortgage? Usufructuary mortgage means a mortgage by which a debtor who wants to raise a loan by mortgaging his land and giving possession of his land to the mortgagee to enjoy the usufruct of the land in lieu either of interest or of interest and principal may do so. Of these two kinds of usufructuary mortgage, ordinary usufructuary mortgage means the giving over of possession of land to be enjoyed in lieu of interest, and complete usufructuary mortgage means the giving over of possession of land to be enjoyed in lieu of interest and principal. This is the distinction between the two, Sir. When a tenant wants to raise a loan by means

of a complete usufructuary mortgage he has to mortgage a comparatively larger quantity of his land for that loan. Of course, that loan may be for 15 years, 10 years or 5 years, but whatever be the period, he will have to mortgage a larger quantity of his land for raising that loan upon a complete usufructuary mortgage, but by means of an ordinary usufructuary mortgage he can raise that loan only by mortgaging a very small portion of his holding. I will give a concrete instance, Sir, let us suppose that a tenant who has five bighas of land wants to raise a loan of Rs. 100 for emergent purposes. Then he may perhaps have to mortgage as much as three bighas of his land if he wants to raise that loan by means of a complete usufructuary mortgage, but under an ordinary usufructuary mortgage he can raise that loan by mortgaging only one bigha of land. So, in these days when the tenant has lost his credit and when money-lenders as well as bankers are not coming forward to lend money to the tenant—in times of his dire necessity—should this House stand in his way and restrict his right to raise money by, say, the process of ordinary usufructuary mortgage which he can do easily and without much injury to himself? If the tenant is in possession of five bighas of land, then under the complete usufructuary mortgage he has to mortgage three bighas of his holding for raising a loan of Rs. 100, but it will be impossible for him to carry on and earn his living with the remaining two bighas, but if he can raise that very same loan with one bigha, he can somehow or other carry on with the remaining four bighas. Therefore, Sir, this right to create this sort of mortgage should remain with the tenants so that they may raise a loan in times of dire necessity. My object is to give relief to the raiyat, to relieve whose distress we have come here and for whom we are so anxious. Moreover, as I have already said, when section 26G has no other utility now, except with regard to the method of mortgages that a tenant is entitled to create, I do not see any reason why this right to create an ordinary usufructuary mortgage should be restricted any longer. Sir, the House knows why section 26G was enacted: it was only to safeguard the interest of the landlord so that the landlord might not lose his transfer-fee in case of absolute transfer in the shape of a usufructuary mortgage for a long period. When that danger is gone, I think the members of this House will agree with me that the tenant's right in effecting any kind of mortgage at least for 15 years should be allowed by this House. With these words, I commend my motion to the acceptance of this House.

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 22nd September 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 22nd September, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 220 members.

STARRED QUESTIONS

(to which oral answers were given)

Superintendent of the Bengal Tanning Institute.

*213. **Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact—

(*i*) that the Superintendent of the Bengal Tanning Institute is a part-time officer; and

(*ii*) that the said Superintendent cannot devote his undivided attention to this institute?

(*b*) Are the Government considering the desirability of appointing a whole-time Superintendent?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) Yes.

(*ii*) No. The institute is being run on efficient lines.

(*b*) Does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how many days in a month has the Superintendent got to work?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. H. C. MUKHERJI: Is the Hon'ble Minister aware that the Superintendent is not able to give that amount of time and attention to the practical training of the students that is actually required and that is a ground of general public complaint?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that.

Detenus.

*214. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state the number of detenus in—

(*i*) different camps;

(*ii*) village domicile;

(*iii*) home domicile; and

(*iv*) jails,

on 31st March, 1937?

(*b*) What are the grounds Government are following in selecting detenus for release?

(*c*) Is it a fact—

(*i*) that certain persons who were not political suspects were arrested and kept with the detenus in 1934, 1935 and 1936;

(*ii*) that most of them have now been released; and

(*iii*) that those who were arrested and detained before 1934 have not yet been set at liberty?

(*d*) Will the Hon'ble Minister be pleased to state whether any of the informers in the various conspiracy cases in Bengal have subsequently secured service under the Government of Bengal?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state their names with the present jobs they are holding?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) On March 31st, 1937, the numbers were as follows:—

(*i*) 747, including 134 in training camps.

(*ii*) 853.

(*iii*) 182.

(*iv*) 435.

(*b*) The hon'ble member is referred to my speech in the Assembly on the 9th August, 1937, when the policy of Government was enunciated.

(*c*) (*i*) No.

(*ii*) and (*iii*) Do not arise.

(*d*) I am not prepared to answer this question.

(*e*) Does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state what are the reasons for refusing to answer question (*d*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: Public grounds.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is the privilege of the members of this House to ask for this sort of information and get it?

Mr. SPEAKER: It is not a question.

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. When this sort of question is asked, is it not the privilege of the members of the House to get answers?

Mr. SPEAKER: You are fully entitled to get information by questions, but what should be the nature of the answer it is for the Minister to decide.

Mr. SYED JALALUDDIN HASHEMY: When this sort of answer is given, *e.g.*, "I am not prepared to answer this question," our mouth is shut entirely.

Mr. SPEAKER: The Hon'ble Minister was not technically correct in giving that answer.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I said on grounds of public interest.

Mr. SYED JALALUDDIN HASHEMY: On the answer given, may I ask whether we are not entitled to move an adjournment motion in this House?

Mr. SPEAKER: It is a purely hypothetical question and I am not going to answer it.

Mr. P. BANERJI: Is the Hon'ble Minister in a position to contradict the statement that informers in various departments are in Government service?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state what public interest is served by not answering this question (*d*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a question of argument, if I may say so.

Mr. SARAT CHANDRA BOSE: I submit that it is not a question of argument: it is a question of fact. What interest of public is served by not answering (*d*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: Safety of the public.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the present strength under respective heads (*i*), (*ii*), (*iii*) and (*iv*) as compared with the 31st March.

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Supervisor, Darjeeling District Board.

***215. Maulana MD. ABDUL AZIZ:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government and Public Health Department be pleased to state whether an advertisement giving preference to a hillman for the post of a Supervisor in the Darjeeling District Board was published by the authority concerned in the year 1936?

(*b*) Did any suitable and qualified hillman candidate apply for the post in response to it?

(*c*) Why a hillman was not appointed?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state whether there was any hill-man candidate at all?

The Hon'ble Maulvi SYED NAUSHER ALI: There were three applicants.

Imposition of Education cess in Mymensingh.

***216. Maulvi ABDUL WAHED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government is aware that protests against the imposition upon the cultivating *raiyats* of Education cess in the district of Mymensingh were made in public meetings?

(*b*) If so, do the Government contemplate to stop the realisation of Education cess in view of the aforesaid protest?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) No.

Sub-inspectors, assistant sub-inspectors of police and clerks in Bengal Police Department.

***217. Khan Saheb Maulana AHMED ALI ENAYETPURI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing separately—

(*i*) the present number of sub-inspectors, assistant sub-inspectors of police and clerks in the Bengal Police Department, both permanent and officiating?

(*ii*) The number of them that are—(1) Hindus and (2) Muslims; and

(*iii*) the number of these officers, Hindu and Muslim, appointed (1) directly and (2) by promotion?

(*b*) Will the Hon'ble Minister be pleased to state the reasons for the paucity of Muslim inspectors in the Bengal Police?

(*c*) Are the Government considering the desirability of taking immediate steps to have equal proportion of Muslim and Hindu inspectors in the Bengal Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) and (*c*) There is no direct recruitment to the rank of inspector. The vacancies in this rank are filled by promotion from the lower rank on considerations of merit and seniority.

Statement referred to in the answer to clause (*a*) *of starred question No. 217.*

	Total sanctioned strength as it stood on 1st April, 1937.	Non-Muslims.			Muslims.		
		Directly appointed officers.	Promoted officers.	Total.	Directly appointed officers.	Promoted officers.	Total.
Sub-inspectors ..	1,711	737	326	1,063	562	86	648
Assistant sub-inspectors.	1,476	Particulars cannot be furnished without reference to all districts.					
Clerks ..	448	302	..	302	146	..	146

Sale of the grass of lands by the Public Works Department in Siliguri Subdivision.

*218. **Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of Communications and Works Department aware—

(*i*) that in the district of Darjeeling, specially in Siliguri subdivision, the Public Works Department sells annually by auction grass of lands on the two sides of the road flanks and also the right of catching fish in the ditches on the two sides of the roads;

(*ii*) that the lands on which such grass grows are not fenced; and

(*iii*) that considerable oppression, specially by impounding cattle, is made on the ignorant peasants by the subordinate officers and menials of the Public Works Department and by the middlemen who purchase these rights from the Public Works Department?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the rules or law under which the Public Works Department realises such money;

(*ii*) the total collection of the Public Works Department in Siliguri subdivision from these sources in the year 1936-37; and

(*iii*) whether this system of annual sale by auction of roadside grasses by the Public Works Department or by the District Board is in vogue in any other District of Bengal?

(*c*) Is the Hon'ble Minister considering the desirability of holding an enquiry into the matter?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) (*i*) and (*ii*) Yes.

(*iii*) It is reported that there is no such oppression.

(*b*) (*i*) Government own the lands and can, therefore, sell the produce.

(*ii*) Rs. 169.

(*iii*) Yes, so far as Government lands are concerned. I have no information about District Board roads.

(*c*) No.

Babu KHAGENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that in the name of tending charge toll is charged and realised by the Public Works Department chaukidars from people passing with cattle of any kind through the Nuxalbari-Siliguri Road near Dumriguri Public Works dâk bungalow and through Panighata-Nuxalbari Road near Ashapur?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that cattle cannot get into the grazing grounds without going through the road flanks?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Not in every case. It depends upon the location of the grazing ground.

Dr. NALINAKSHA SANYAL: In reply to question (*vii*), the Hon'ble Minister has stated "it is reported that there is no oppression arising out of the impounding of cattle." I submit that whenever cattle go to the grazing ground they have to cross the road flanks and in that case, are not the cattle bound to be impounded? I want to know whether it is a fact.

Mr. SPEAKER: That is purely a hypothetical question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether cattle belonging to persons other than those who hold leases of these grass plots have actually been impounded?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I believe so, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the impounding of cattle amounts to oppression when it is unavoidable?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is a question of opinion. It is done according to the law of the land.

Dr. NALINAKSHA SANYAL: In the answer it is said—"it is reported that there is no such oppression" I submit that that also is a question of opinion. I have given him certain data from which

oppression will be proved. It is not a question of opinion: it is a question of fact. Will the Hon'ble Minister be pleased to state what is his reason for not thinking of enquiring into the matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Because I have received no complaint, I did not think it necessary to enquire into the matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether complaints of this nature are likely to come to him or the District Magistrate or the Subdivisional Magistrate and is he aware that such complaints have been made?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Complaint may be made to anybody, but I am not personally aware of any complaint being received either by the Subdivisional Officer or by the District Magistrate.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state from whom he has received the report that he mentions in his answer (*a*) (*iii*)?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: From the local officers of the department.

Veterinary Hospital at Bogra.

*219. **Khan Bahadur MOHAMMED ALI:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that there is no Veterinary Hospital at Bogra for treatment of cattle?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, are proposed to be taken for the redress of this grievance of the people of the District?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) There is no Veterinary Hospital at Bogra, but there is a Veterinary Dispensary there for the treatment of cattle as out-patients.

(*b*) The general question of improving the facilities for treatment of cattle is under my consideration. The case of Bogra district will receive due attention along with the many other districts similarly situated in this respect.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state whether there is any proposal for the establishment of a veterinary school at Bogra in the near future?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already said that in the next budget the case of the Bogra will be considered.

Worship house for the Hindu police force at Pirojpur.

***220. Mr. NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that Mr. Makhan Lal Sen, Sub-Inspector of Police, Pirojpur, has very recently erected a house of worship for the Hindu police force by encroaching upon the land possessed by Kaviraj Chinta Haran Dasgupta?

(*b*) Is it not a fact that he has broken the shed for preparing medicine of the said Kaviraj and levelled the house to the ground and is it not a fact that the newly constructed house allows rain to fall on the *hogla* wall of the house of the Kaviraj Chinta Haran Dasgupta where he lives with his family?

(*c*) Is it not a fact that previously a small shed was used as a place of worship for the public which was managed by the said Kaviraj with the help of Hindu public for the Hindu public including Hindu police force?

(*d*) Is it not a fact that the police officer or police force has no more right over the land than any other Hindu and that the land was leased out to the said Kaviraj Chinta Haran Dasgupta on condition that a portion of it will be reserved for worship and that therein no mention was made about the land being usurped by the police?

(*e*) Is it not a fact that when a similar attempt was made by the police to encroach upon the land, on the 30th September, 1932, Mr. K. Roy, Additional Superintendent of Police, intervened and as reply to the representation of the said Kaviraj assured him that the "police has been instructed not to interfere with his right, title or possession of the land"?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister enlighten us why the police has again resumed their activity under the leadership of the said Makhanlal Sen? Have they got fresh instruction from the higher authorities or is the thing being done on his own responsibility?

(*g*) Does the Government think it proper that policemen should forcibly construct house on a land which is not their property in spite of the protest of the real owner of the land on the plea that a plot has been reserved for public worship?

(*h*) If the answer to (*g*) is in the negative, will the Government instruct Mr. Makhanlal Sen and other policemen concerned to dismantle the house and erect one only with the consent of the said Kaviraj?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Babu Makhan Lal Sen, Sub-Inspector of Police, Pirojpur, on behalf of the Hindu police force of Pirojpur repaired and reconstructed the original temple of the Hindu police force on the existing site. There was no encroachment on the land of the Kaviraj.

(*b*) No; no shed of the Kaviraj was broken or dismantled. Rain water falling from the eaves of the temple falls into the house of the Kaviraj, but this is not due to its reconstruction. The Kaviraj built his room too close to the original temple and has always suffered this disadvantage.

(*c*) The original temple consisted of a shed but as far as can be ascertained it was never maintained by the Kaviraj. The plinth of the original temple remains intact; only the walls and roof have been changed. It has always been maintained by the Hindu police force and is open to all Hindus of the locality.

(*d*) No. The original lease had such a clause, but the landlord made over the land to the Hindu police force by verbal arrangement about 30 years ago, and it has since remained in their possession.

(*e*) There is such an order but it relates to lands which are in the possession of the Kaviraj. As far as can be ascertained, the order was passed in order to stop the police from resuming possession of the site of the old Police Club which is now included within the Kaviraj's house.

(*f*) Does not arise

(*g*) The police have not usurped any land.

(*h*) Does not arise.

Srijut MANINDRA BHUSAN SINHA: Is it not a fact that the police attempted to construct a building on the site of the temple a few years ago and the Superintendent of Police prohibited them from doing so without the consent of the Kaviraj?

The Hon'ble Khwaja Sir NAZIMUDDIN: That refers to the Police Club and that was on the land of the Kaviraj. So the Superintendent of Police stopped the police from erecting a building there.

Srijut MANINDRA BHUSAN SINHA: Is it not a fact that there was no Police Club there?

The Hon'ble Khwaja Sir NAZIMUDDIN: No. There was a Police Club there.

Hawkers in Calcutta.

***221. Mr. ATUL CHANDRA KUMAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state how many hawkers are there in the Presidency town of Calcutta?

(*b*) Do Government issue any licence to these hawkers?

(*c*) Is hawking business on footpaths amounting to trespass and loitering?

(*d*) Are Government aware that owing to acute unemployment in the province amongst educated youths of Bengal, many of them live on hawking different commodities?

(*e*) Is it a fact that these hawkers, particularly new men, who are not properly acquainted with the police are victims of prosecution and persecution, whereas old hawkers are generally exempted for the reason best known to the police?

(*f*) Is it a fact that many of these hawkers holding municipal trade licence for hawking are not exempted from police prosecution?

(*g*) Why this trade licence for?

(*h*) Is it not possible for the Government to issue police licence on a nominal tax to these hawkers to avoid constant prosecution and thus helping solution of unemployment to some extent?

Th Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I have no definite information.

(*b*) No.

(*c*) No, so long as they do not cause obstruction to footpaths. If any obstruction is caused, then they render themselves liable to prosecution.

(*d*) I am not aware of this.

(*e*) No.

(*f*) The Calcutta Municipal Act does not exempt a hawker holding a trade licence under the said Act from liability to prosecution for obstruction to traffic.

(*g*) Hon'ble member is referred to section 175 of the Calcutta Municipal Act and items 81 and 83 of rule 1 in Schedule VI thereof.

(*h*) No police licence is required for itinerant dealer hawking goods for sale in basket or tray.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether there are any rules to guide policemen to define what is obstruction to footpath or is it left to the discretion of the policemen?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think there are any rules.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*c*), is the Hon'ble Minister aware of the fact that the hawkers of mangoes cannot sell their goods unless they give the policemen some fruits? If that is so, will the Hon'ble Minister issue some departmental instructions?

The Hon'ble Khwaja Sir NAZIMUDDIN: No hawkers are prosecuted until and unless they spread their goods on the pavement and thereby cause obstruction. They are not prosecuted for merely carrying on a tray or in a basket and trying to sell it.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether he is not aware that footpaths of every broad street in Calcutta are strewn with baskets and trays of hawkers?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is why there is such a large number of prosecutions.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that in the Beliaghata bridge there are many sepoys who molest hawkers and get mangoes from them?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is because they would try to sell mangoes on the pavement or on the bridge, thereby causing grave obstruction to traffic and to pedestrians.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware that even when there is no obstruction and when these people are simply proceeding on still sepoys are seeking mangoes from them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that is possible.

Alleged arrest of examinees at Madaripur centre in Faridpur.

***222. Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that several examinees of the last Matriculation examination held at Madaripur centre in the district of Faridpur were arrested by the police in the course of their appearing at the examination and not allowed to sit at the examination till it was finished?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the names of these examinees;

(*ii*) their respective ages; and

(*iii*) the law under which and the authority under whose orders they were arrested?

(*c*) Is it a fact that those examinees came from distant villages to Madaripur to appear at the examination and nothing incriminating was found in their possession at Madaripur?

(*d*) Is it a fact that after their arrest the police sent those examinees back to their respective village homes?

(*e*) Is it a fact that those examinees asked the police to release them on bail and allow them to finish the examination?

(*f*) If the answer to clause (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state why no bail was granted?

(*g*) Do the Government issue any specific instructions to the police of Faridpur?

(*h*) If the answer to clause (*g*) is in the negative, will the Hon'ble Minister be pleased to state under what authority did the police of Madaripur restrain those examinees from finishing their examination?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) to (*h*) Do not arise.

Mr. SURENDRA NATH BISWAS: In view of answer "no" to question (*a*), will the Hon'ble Minister be pleased to state what is the basis of his information?

The Hon'ble Khwaja Sir NAZIMUDDIN: After careful enquiries made about this, we have come to learn that the police did not arrest anybody while the examination was going on.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to let this House know who were the persons from whom he enquired?

The Hon'ble Khwaja Sir NAZIMUDDIN: From reliable local officers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there was any molestation or interference of any kind by the police with any Matriculation examinees in that centre?

The Hon'ble Khwaja Sir NAZIMUDDIN: During that examination no examinee was interfered with or molested.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether immediately preceding the examination or immediately following the examination any molestation or interference did take place?

The Hon'ble Khwaja Sir NAZIMUDDIN: Neither immediately preceding nor during the examination. As far as this matter is concerned, it does not arise out of the question.

Mr. RASIK LAL BISWAS: If this fact of molestation and arrest can be proved, will the Hon'ble Minister be pleased to state that the officers who arrested them will be duly punished?

The Hon'ble Khwaja Sir NAZIMUDDIN: Supposing the information turns to be wrong? What about it?

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that even I myself in a case a few years back was taken to thana, arrested and kept inside the lock-up for two hours, here in Calcutta, and when the Vice-Chancellor who happened then to be the Chief Justice of the Calcutta High Court interfered the police denied that there was any arrest made and it was accepted by Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I suggest, this is extremely irrelevant and out of order.

The Maktabs.

*223. **Rai HARENDRA NATH CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) why maktabs are classed under the General Table I as primary schools and not separately as special schools; and

(*ii*) since when have maktabs come to be so classified?

(*b*) Is it a fact that maktabs are schools on an Islamic basis—that in these schools, besides using text-books specially prepared by Muhammadan authors, the reading of the holy Quoran, Islamic rituals and Urdu are taught as additional compulsory subjects?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement, showing for the years 1910, 1920, 1930 and 1935 the expenditure incurred on—

(*i*) maktabs, and

(*ii*) primary schools other than maktabs, from—

(1) provincial revenues,

(2) district funds,

(3) municipal funds,

(4) fees, and

(5) other sources?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) how many Hindu boys read at present in maktabs in each district; and

(*ii*) the reason for the preference of Hindu boys to read in maktabs instead of in general primary schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) According to the definition laid down by the Government of India, maktabs are recognised institutions and teach secular subjects, i.e., they teach all or a reasonable part of the primary or lower primary course.

(*ii*) Since 1915-1916.

(*b*) Maktabs are Muslim primary schools. The reading of the holy Quoran, rituals of Islam and Urdu are specially meant for Muslim pupils. Vernacular and historical readers written by Muhammadan authors are used in maktabs. They are, however, of the same standard as that of general primary schools. In other subjects, text-books used in general primary schools are also used in maktabs.

(*c*) A statement showing figures for the years 1920, 1930 and 1935 is laid on the Library table. Figures for 1910 cannot be compiled because the territorial limits of the province of Bengal were then different from what they are now.

(*d*) (*i*) A statement giving the information is laid on the Library table.

(*ii*) The absence of general schools in localities predominantly inhabited by Muslims.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister for Education be pleased to state the terms of definition laid down by Government of India with reference to answer (*a*) (*i*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not got it handy a present I can bring it up if notice is given.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'bl Minister for Education be pleased to refer to answer (*ii*) and stat whether he is considering the desirability of establishing genera primary schools in those areas predominantly inhabited by Muham madans in view of the fact that there are muktabs in areas predomi nantly inhabited by Hindus?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir, the questio will be taken up along with the question of introduction of ordinar primary schools in the Province.

Mussalman Inspectors of Police and Armed Police.

***224. Mr. A. M. ABDUL HAMID:** (*a*) Will the Hon'ble Ministe in charge of the Home (Police) Department be pleased to state th total number of—

(*i*) Inspectors of police (in the Bengal Police) other than Armec Police; and

(*ii*) Armed Inspectors?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) total number of Mussalmans in each;

(*ii*) total recruitment made in the rank of inspector during th last 3 years; and

(*iii*) number of Mussalmans taken in?

(*c*) If the proportion of Mussalman recruits is inadequate, will th Hon'ble Minister be pleased to state, what is the reason thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) 199, and (*ii*) 29.

(*b*) (*i*) 59 in the unarmed branch and 6 in the armed branch.

(*ii*) and (*iii*) All appointments to the rank of inspector are made by promotion. The number of such appointments made was 25 in 1934, 19 in 1935 and 40 in 1936, of which 6, 4 and 11 respectively were Muhammadans.

(*c*) The question does not arise as appointments of inspectors are made by promotion from the lower rank strictly on considerations of merit and seniority.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister kindly state whether there is a complaint by Muhammadans in general and Moslem officers in particular that in matter of promotion claims of the Muslim officers are superseded by clique?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no official information.

Mr. SHAH ABDUR RAUF: Will the Hon'ble Minister be pleased to state who is the appointing authority of the Inspectors?

The Hon'ble Khwaja Sir NAZIMUDDIN: Inspectors are promoted. There is no direct appointment.

Mr. SHAH ABDUR RAUF: But who is the person who gives promotion?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Inspector-General is the final authority.

Certain detenus.

***225. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state the dates of arrest and places of detention of the following detenus:—

(*i*) Maulvi Mohammed Abdur Razzaq Khan;

(*ii*) Mr. Kali Kumar Sen;

(*iii*) Mr. Manindra Sinha;

(*iv*) Mr. Abdul Momin; and

(*v*) Mr. Nirod Kanta Chakravarty?

(*b*) What is the present state of health of each of the said detenus?

(*c*) Is it a fact that Mr. Abdul Momim is not being permitted to have any correspondence with his guardian, Mr. Brajendra Pal?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state his reason?

(*e*) Is it a fact that Maulvi Mohammed Abdur Razzak Khan had applied to the Government to remove him to Calcutta Presidency Jail for medical treatment, but the Government did not accede to his request?

(*f*) Having taken into account the very long period of detention of the abovenamed detenus, does the Hon'ble Minister consider the desirability of releasing them forthwith? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Arrested on the 21st April, 1930; in home domicile.

(*ii*) Arrested on the 29th April, 1930; in home domicile.

(*iii*) Arrested on the 9th May, 1930; in village domicile.

(*iv*) Arrested on the 9th May, 1931; in village domicile.

(*v*) Arrested on the 13th May, 1930; in village domicile.

(*b*) I have no report that any of them is in bad health.

(*c*) and (*d*) Correspondence with Mr. Brojen Pal has not been permitted as he is not related to the detenu and as it is not desirable to permit this.

(*e*) No such application has been received by Government.

(*f*) The cases of these detenus will be considered according to the policy I have recently announced.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state with regard to answer (*e*) whether an application by Maulvi Mohammed Abdur Razzaq Khan was not suppressed by his immediate custodians?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Has the Hon'ble Minister made any enquiries to ascertain whether any such application was actually submitted by him?

Mr. SPEAKER: Your question was whether his application was received by Government and his answer is "no."

Mr. NIHARENDU DUTTA MAZUMDAR: I asked whether it has been actually suppressed and the Hon'ble Minister wanted notice. I am now asking whether the Hon'ble Minister made enquiries as to whether any such application was given and suppressed.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is obvious that the question was whether Government received any application and I said "no." There was no necessity for further enquiry.

Mr. NIHARENDU DUTTA MAZUMDAR: I submit, Sir, that when I asked the question whether Government received an application of this nature it is up to Hon'ble Minister to explain whether the application was suppressed being in possession of the fact that the application was made. I ask, therefore, and I would like the Hon'ble Minister to answer to my question whether Government has made any enquiry into this question.

Mr. SPEAKER: I am afraid, it would be impossible to hold that, because certain question is put in a specified form, therefore, the Minister, as a matter of compulsory action on his part, must go lower down to the limit to find out all actions of omissions and commissions in this respect. You can put a supplementary question and he may answer it.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the fact that Maulvi Mohammed Abdur Razzaq Khan is a detenu, under detention, has the Hon'ble Minister made any inquiry to ascertain whether any such application was suppressed by his immediate custodians?

The Hon'ble Khwaja Sir NAZIMUDDIN: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state that in view of answer (*f*) whether the charges levelled against these five persons are such as to warrant their detention in jail after conviction for a period of more than seven years?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that it is an expression of opinion and a hypothetical question and it is covered by my answer to (*f*).

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether in view of the fact that these persons were suffering detention since 1930, why their cases have not been considered as yet?

The Hon'ble Khwaja Sir NAZIMUDDIN: Cases are being considered. There are three thousand detenus and what is more in the past their cases have been considered. According to the policy announced by me their cases are being considered and I cannot tell whether it has been considered or not.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state that as Mr. Brojen Pal is guardian of Mr. Abdul Momin, whether this relationship is not sufficient between the two to have correspondence allowed between them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government do not accept the proposition that Mr. Brojen Pal is the guardian of Mr. Abdul Momin.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state why Government do not accept this fact and why they rule it out as impossible?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sufficient material has not been produced before them to establish the fact that Mr. Brojen Pal is guardian of Mr. Abdul Momin.

Allowances to detenus.

***226. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state if any extra allowance over and above the usual monthly pay is allowed to the employees of the Government serving in the Western Duars in the district of Jalpaiguri and in Terai in the district of Darjeeling very commonly known as "Duars allowance" and "Terai allowance"?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is it a fact that the reasons under which such allowances are given to the Government officers are similarly applicable to the detenus residing under detention in these parts?

(*d*) If the answer to clause (*c*) is in the affirmative, will the Hon'ble Minister consider the desirability of making provisions for such allowance to those detenus?

(*e*) Is it a fact that the cost of living in those parts of Jalpaiguri and Darjeeling districts is very high, and as these parts are very unhealthy, will the Hon'ble Minister consider the desirability of enhancing the present allowances allotted for the detenus under detention in these parts to enable the detenus to have a better living?

(*f*) Is it a fact that every detenu's quarters are supplied with suitable latrine? If not, why not?

(*g*) If the answer to (*f*) is in the negative, is the Hon'ble Minister contemplating taking necessary steps to provide with suitable arrangement for latrines in the quarters of the detenus where there is none?

(*h*) Is it a fact that applications received from the detenus are carefully attended to and replied within reasonable time.

(*i*) Will the Hon'ble Minister consider it desirable to pass necessary orders to departmental heads dealing with the detenus to give reply to any and every letter received by them and that within the shortest space of time?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) This special pay is granted in view of the prevalent climatic conditions and the cost of living.

(*c*) No.

(*d*) and (*e*) In fixing the allowance Government take into consideration the circumstances referred to in (*c*). I have no reasons to believe that the allowance made to detenus in these areas is inadequate for the supply of their wants.

(*f*) and (*g*) Government have not received any complaints about the absence of suitable latrine arrangements. If any such complaints are received, they will be carefully considered.

(*h*) Yes.

(*i*) Does not arise.

Number of constables in Bengal Police, Calcutta Police and in Railway Police.

***227. Mr. MAQBUL HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing, separately, the total number of constables in—

(*i*) Bengal Police (excluding Railway Police);

(*ii*) Calcutta Police; and

(*iii*) Railway Police?

(*b*) What is the number of Bengali constables in each of the said forces?

(*c*) Will the Hon'ble Minister be pleased to say if he considers it desirable to stop any further recruitment from non-Bengalis?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) A statement is laid on the table.

(*c*) The existing rules already provide that in enlisting constables to the unarmed branch of the police force, preference should be given to Bengalis whenever possible, provided they possess the necessary physical and other qualifications.

Statement referred to in the answer to clauses (a) and (b) of starred question No. 227.

	Total strength of constables.	Number of Bengalis.
Bengal Police (excluding Railway Police) ..	19,594	7,965
Calcutta Police ..	4,996	256
Railway Police ..	786	123

Mr. MONMOHAN DAS: Will the Hon'ble Minister kindly enquire why in the district of Mymensingh schedule caste members are not taken as Bengal Police on the ground that there is no suitable arrangement for the untouchable classes for the preparation of food?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is one of the difficulties so far that stood in the way of recruiting schedule caste people to the unarmed branch of the Police force in Bengal.

Durbars at the time of the last Bengal Legislative Assembly Election in Midnapore.

*228. **Mr. DEBENDRA LALL KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state the number of Durbars held by the District Magistrate of Midnapore throughout the district between the date of filing of nomination papers and the date of polling in connection with the last general election to the Bengal Legislative Assembly?

(*b*) Is the Government aware that all these Durbar speeches of the District Magistrate were directed to influence the people against voting for the Congress candidates?

(*c*) If the answer to (*b*) is in the affirmative, do the Government contemplate taking steps to prevent a recurrence of such actions by the district authorities?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Eight.

(*b*) No.

(*c*) Does not arise.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state whether he had any opportunity of examining the Durbar speeches of the District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: No. After all, the Congress candidates have got in and I do not see why there should be a row about it.

Rai HARENDRA NATH CHOUDHURY: This is not a fair answer at all.

Mr. SPEAKER: The Hon'ble Minister has categorically denied that he had any opportunity of examining these speeches.

The Hon'ble Khwaja Sir NAZIMUDDIN: Those speeches have been examined by responsible officers other than the District Magistrate.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state the name of the responsible officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir; in the public interest I cannot do so.

Mr. DEBENDRA LALL KHAN: Will the Hon'ble Minister be pleased to state how many of those Durbars were held in the sadar station of the constituency which I had the honour to represent here?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what was the nature of these Durbar speeches and what was the purpose of holding these Durbars immediately preceding the elections?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. DEBENDRA LALL KHAN: Is the Hon'ble Minister aware that the *Basumati* and the *Anandabazar Patrika* wanted to send their representatives to the Durbars to record the speeches of the District Magistrate but were not allowed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*), is the Hon'ble Minister aware of the fact that people were dissuaded from voting for the Congress candidates?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got no official information about it.

Representations by the Muslim leaders of Chittagong.

***229. Mr. M. SHAMSUDDIN AHMED:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that the Muslim leaders of Chittagong made various attempts from 1933 to 1935 to wait on deputations on the District and Divisional authorities and on the Deputy Inspector-General and Inspector-General of Police to represent their grievances but no reply even was given to their letters;

(*ii*) that in April, 1935, the Islam Association of Chittagong sent representations to His Excellency the Governor through Khan Bahadur Abdul Momin, M.L.C., sending copies of the

same to the then Muslim members of the Cabinet and subsequently the Islam Association and the Chittagong District Muslim League sent joint representations to Government and on the 30th August, 1935, a mass meeting of the Mussalmans held in the Muslim Hall sent resolutions to Government in all of which discontent of the Mussalmans was expressed; and

(*iii*) that on the 25th September, 1935, the Hon'ble Mr. H. S. Suhrawardy, the then member of the Legislative Council, being approached by the Muslim leaders of Chittagong sent a letter of about 50 pages to the Hon'ble Sir R. N. Reid, the then Home Member?

(*b*) Will the Hon'ble Minister be pleased to lay on the table the representations of the Islam Association and the District Muslim League, Chittagong, the resolutions of the mass meeting of the Muslims of Chittagong, and the letter of Mr. H. S. Suhrawardy, and state what actions, if any, were taken by Government on those representations?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) I have no information.

(*ii*) and (*iii*) There is no record of the receipt of such representations or letters in the Home Department.

(*b*) Does not arise.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether he himself was a member of the Cabinet in 1935?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether he himself got any representation or letter of that kind?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have said that I have got no official information; whatever I may have got, I have got in my private capacity.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if it is a fact that in the year 1935 several Moslem police officers were either dismissed, suspended or degraded in Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if there was a high feeling prevailing in the district of Chittagong in 1935 as a result of dismissal of a Deputy Superintendent of Police and several Sub-Inspectors?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no official information.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether any information as to the letter was asked for from Khan Bahadur A. Momin and the Hon'ble Mr. Suhrawardy after receiving the notice of this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware, I have got no information that the Home Member asked for these letters.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if several Moslem police officers were dismissed, suspended or degraded after the Chittagong Armoury Raid Case?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state who was the Superintendent of Police in Chittagong in 1935?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Bengal Tanning Institute.

*230. **Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing, year by year, since 1934—

(*i*) how many students passed from the Bengal Tanning Institute, Calcutta;

(*ii*) how many of them were Muhammadans;

(*iii*) how many of them were provided with posts and where;

(*iv*) whether any of them has started a firm of his own: and

(*v*) if so, what is that number?

(*b*) How many officers are there in the institute?

(*c*) How many of them are Muhammadans?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:

(*a*) A statement is laid on the table.

(*b*) Four, viz., one part-time officer holding gazetted rank and 3 non-gazetted experts.

(*c*) None.

Statement referred to in reply to clause (a) of starred question No. 230.

Number of students passed from the Bengal Tanning Institute since 1934.	Number of passed students who were Muhammadans.	Particulars of passed students provided with posts.	Number of passed students who have started firms of their own.
1	2	3	4
1934 .. 4	3	(1) under Messrs. National Tannery Co., Ltd., Calcutta .. 5	4
1935 .. 7		(2) Under Messrs. Cooper Allen & Co., Cawnpore .. 2	
1936 .. 7		(3) Under Calcutta Chrome Tanneries, Ltd., Calcutta .. 1	
18		(4) Under a tannery at Unao (United Provinces) .. 1	
		(5) As a temporary demonstrator under the Department of Industries, Bombay .. 1	
		(6) As a temporary Exhibition Supervisor (Tanning) under the Department of Industries, Bengal .. 1	
		11	

Maulvi ABDUL LATIF BISWAS: With reference to answer (*c*), will the Hon'ble Minister kindly state whether he considers the desirability of removing the Muslim grievances by appointing Muslim officers there?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, it is a request for action.

Maulvi ABDUL BARI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state when these four appointments were made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: These appointments were made by the pervious Government.

Babu NAGENDRA NATH SEN: Sir, will you kindly state whether a request for action cannot be made in view——

Mr. SPEAKER: It depends entirely on the form in which the question is put.

Chaukidars and dafadars in Bengal.

***231. Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) the total number of (1) *chaukidars;* and (2) *dafadars* in the province of Bengal; and

(*b*) what amount was spent in the year 1935-36 on account of their salaries?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The total number of *chaukidars* and *dafadars* for the year 1936 was 75,174. Separate figures for *chaukidars* and *dafadars* are not available.

(*b*) The figure for the financial year is not available, but inclusive of the charges for equipment, the total cost of *chaukidars* and *dafadars* for the year 1936 was Rs. 54,41,484.

Money spent for the prosecution of Rai Bahadur Dalip Narain Singh, ex-M.L.C., of Bihar.

***232. Al-Haj Maulana Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state how much public money was spent for the unsuccessful and sensational criminal case against one Rai Bahadur Dalip Narain Singh, ex-member of the Legislative Council of Bihar, in the district of Darjeeling last year?

(*b*) Is it a fact that police submitted a final report on the 1st May, 1936, stating that there was no evidence to prove the said case?

(*c*) Is it a fact that the alleged accused was a respectable old man suffering from cardiac troubles and asthma and was not keeping good health?

(*d*) If the answers to (*a*), (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state why was the alleged accused committed to *hajat* in spite of his bail application? And why was this waste of public money in these days of deficit?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No public money was spent for the prosecution of the case as it did not come up for trial.

(*b*) Yes, as there was not sufficient evidence to prove the case.

(*c*) Yes. He is said to be an asthmatic patient.

(*d*) As he was accused of serious non-bailable offences under sections 366 and 366A, Indian Penal Code, the court did not think it proper to release him on bail. There was no waste of public money in this case.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government is aware that Rai Bahadur Dalip Narain Singh is a respectable citizen of Monghyr and is an *ex*-M.L.C. and maintains at a great cost a refuge for women at Darjeeling?

The Hon'ble Khwaja Sir NAZIMUDDIN: He does not maintain at a great cost any refuge at Darjeeling. As regards the rest of the question, the answer is in the affirmative.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that this Rai Bahadur contributed large sums of money to various charitable institutions including the institution at Darjeeling?

Mr. SPEAKER: Why you are putting this question; how does it come in?

Dr. NALINAKSHA SANYAL: I am putting these questions with a view to bring to the notice of the Hon'ble Minister that this gentleman is a well-known man in Darjeeling and the police there had some grudge against him for certain matters in connection with the administration of the Women's Home and they deliberately put him in a lock-up and the Public Prosecutor actually tried to prove his guilt and refused to give him bail, although he was there for reasons of health——

The Hon'ble Khwaja Sir NAZIMUDDIN: In spite of the statement which Dr. Sanyal has made, I must state that the facts are entirely wrong. The Rai Bahadur was not allowed bail by the trying Magistrate and the police had nothing to do with it. It makes very little difference how much may be his charitable donations; but when allegations are made under sections 366 and 366A it is always advisable not to grant bail in a case where the witnesses can be got at, and it was entirely within the power of the trying Magistrate to refuse bail and the police had nothing to do with it.

Mr. P. BANERJI: Is it not a fact that there was no case of abduction but that this hill girl was married—

Mr. SPEAKER: If you want to know any facts, you can put a question, but as regards the nature of the offence the matter is entirely for the Court to decide.

Dr. NALINAKSHA SANYAL: If, as the Hon'ble Minister says, the police had nothing to do with the bail application, may I know at whose instance this gentleman was arrested and prosecution was started, if not actually followed, later on.

The Hon'ble Khwaja Sir NAZIMUDDIN: Complaint was made by the girl and then action was taken.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state whether it was a police case or a Magistrate's case?

The Hon'ble Khwaja Sir NAZIMUDDIN: Naturally, as it was a case under sections 366 and 366A, it was a police case.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the prosecution wanted to see that the bail was refused and the gentleman was made an accused under these sections intentionally?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would cut short this matter and advise Dr. Sanyal to go to the Rai Bahadur and find out the facts. I stand guarantee to anything I say.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I ask whether the answer given by the Hon'ble Minister is consistent with parliamentary practice?

Mr. SPEAKER: As a matter of fact, I consider it is consistent with the question, because you have asked questions about the general conduct of those who are concerned. We are concerned only with specific questions. Now that you have raised that question I cannot allow you to put any more.

Dr. NALINAKSHA SANYAL: As the Hon'ble Minister advised me to see the gentleman, I may state that I have personally seen him.

Mr. SPEAKER: It is not a question at all. I must say that when putting a question you should not make any statement. I am quite prepared to admit a question if it is in the proper form.

Dr. NALINAKSHA SANYAL: Sir, I will put it in the proper form. Is the Hon'ble Minister aware that I had been to Monghyr on

the 5th of July last and saw Rai Bahadur Dalip Singh personally and he wept before me and said that all the charges against him were malicious.

Mr. SPEAKER: I do not think that by any stretch of imagination the fact can come within the cognizance of the Hon'ble Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of the fact that Dr. Sanyal went to Monghyr or anything definitely about what happened there. I had also seen the Rai Bahadur and had personal conversation with him.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the bail application was opposed by the police, and if so, on what grounds?

The Hon'ble Khwaja Sir NAZIMUDDIN: The bail application was not opposed by the police.

Clerks in the office of the Commissioner of Police in the Upper and Lower Divisions.

***233. Maulvi AHMED ALI MRIDHA:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state what is the number of clerks in the office of the Commissioner of Police, Calcutta, in the Upper and Lower Divisions, respectively?

(*b*) How many of them are Mussalmans?

(*c*) How many clerks have been appointed in each of the years 1933, 1934, 1935, 1936 and the last 7 months of 1937, respectively?

(*d*) How many of them are in the upper grade and how many in the lower grade?

(*e*) How many of each such grade are Mussalmans;

(*f*) Is it a fact that of the recruits, majority are close relations of the clerks of the upper grade?

(*g*) If not, is there any such?

(*h*) If so, how many?

(*i*) Who is the appointing authority in all such cases?

(*j*) Was the Finance Department of the Government of Bengal in charge of such appointment before?

(*k*) If so, when was the change introduced?

(*l*) Is the Government desirous of placing charge of appointments back upon the Finance Department?

(*m*) If so, when?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 20 in the Upper Division and 106 in the Lower Division, excluding 4 cashiers, 8 typists and 2 stenographers who are borne on separate cadres.

(*b*) One in the Upper and 33 in the Lower Division.

(*c*)	1933-34	...	...	7
	1934-35	...	...	6
	1935-36	...	...	2
	1936-37	...	...	9
	Current financial year	...	...	1

(*d*) Upper Division 8 and Lower Division 17.

(*e*) Upper Division 1 and Lower Division 13.

(*f*) No.

(*g*) and (*h*) Yes, 6.

(*i*) Deputy Commissioner of Police, Headquarters.

(*j*) Yes, recruitment in that office was temporarily made from candidates who passed the Secretariat Clerkship Examination.

(*k*) From August, 1935.

(*l*) No.

(*m*) Does not arise.

Babu NAGENDRA NATH SEN: With reference to answers (*c*) and (*j*), will the Hon'ble Minister be pleased to state why recruitment ceased to be made on the basis of merits of candidates in the Secretariat Clerkship Examination?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi AHMED ALI MRIDHA: With reference to answers (*g*) and (*h*), will the Hon'ble Minister be pleased to enquire whether there was any clique between the appointing authority and the clerks concerned so that led——

Mr. SPEAKER: There cannot be any "so that" in a question. You cannot supply any reasons when you ask for information, through a supplementary question. I want to know what is your question.

Maulvi AHMED ALI MRIDHA: Sir, I want to know whether there was any relationship between the appointing authority and the clerk concerned which led to shutting out more desirable candidates.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister kindly enquire into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think there is any justification for enquiry. After all, relations of police officers are not debarred from appointment in the Police Department.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how many of these people are relations of police officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to my answers to (*g*) and (*h*).

Criminal case against one Santosh Banerji and three other young men in Faridpur.

***234. Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether he is aware—

(*i*) that a criminal case under section 110 of Criminal Procedure Code was started by the police of Naria police-station in the district of Faridpur against one Santosh Banerji and three other young men of the locality in or about the month of January, 1935; and

(*ii*) that the Sessions Judge of Faridpur held that the case was false and acquitted the accused?

(*b*) Is it a fact that while the said case was proceeding the Superintendent of Police of the district went on tour to Naria and in the evening on or about the 8th February, 1935, caused the appearance before him in his steam launch of three young girls belonging to respectable families of the locality, one a widow and the other two of marriageable age?

(*c*) Is it a fact that curfew order was in force in the locality at that time restraining all male Hindus between the ages of 15 and 45 from coming out of their homes after the evening?

(*d*) Is it a fact that the said Superintendent of Police wanted those girls to give evidence as prosecution witnesses in the aforesaid criminal case?

(*e*) Is it a fact that a subordinate of the said Superintendent of Police aimed a revolver at the breast of one of those girls saying that she must give evidence?

(*f*) Is it a fact that the said three girls were kept detained the whole night on boats attached to the steam launch of the said Superintendent?

(*g*) Is it a fact that the following morning one of those girls was carried away in boat towed by a River Police launch to a distant

village called Tulashar and kept detained there for 2 days, and the other two set free?

(*h*) If the answers to clauses (*b*) to (*g*) are in the affirmative, will the Hon'ble Minister be pleased to state whether any steps have been taken to adequately punish the said Superintendent and his subordinates who acted under his direction? If not, why not?

(*i*) Will the Hon'ble Minister be pleased to direct an open inquiry into the subject-matter of the question? If not, why not?

The Hon'ble Khawja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) The Sessions Judge discharged the accused on the ground that evidence was insufficient.

(*b*) No.

(*c*) No. A curfew order came into force in some of the villages of the locality on or about the 22nd February, 1935.

(*d*) to (*g*) No.

(*h*) and (*i*) Do not arise.

Mr. PRAMATHA RANJAN THAKUR: With reference to question (*d*), who was the Police Superintendent in Faridpur in 1935?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SURENDRA NATH BISWAS: Did the Superintendent of Police, Faridpur, ever go to Naria while the case was proceeding?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that there was a great sensation amongst the public of the locality over the molestation of some girls while the case was proceeding?

The Hon'ble Khwaja Sir NAZIMUDDIN: There were many complaints but not of the kind referred to.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Superintendent at the place at the time was one Mr. Doha and that there was a girl called Anima who had been asked to interview this Police Superintendent under circumstances not very happy?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that this girl Anima had developed certain signs after which she had to be married to a man who had been given a post of constable under that Superintendent?

The Hon'ble Khwaja Sir NAZIMUDDIN: *I am not aware.*

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister prepared to make an open enquiry into a charge of this nature?

Mr. SPEAKER: I hope, Dr. Sanyal, you are taking the responsibility for these statements of fact.

Dr. NALINAKSHA SANYAL: Yes, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think it is very wrong that when no allegations have been made by the party concerned, an enquiry should be held. It is only under the privileged position of this House that such allegations are being made.

Dr. NALINAKSHA SANYAL: I have definitely put to the Hon'ble Minister whether he is prepared to make an open investigation into this matter on his own personal responsibility and not obtain reports from departmental officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is extremely inconvenient to hold an enquiry at this stage. What is the good of making an enquiry into a matter which happened three years ago?

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that this officer is still in service, and in view of that a serious charge of this nature requires a public enquiry?

The Hon'ble Mr. H. S. SUHRAWARDY: Why not go to a court of law?

Mr. NIHARENDU DUTTA MAZUMDAR: Is it for the Labour Minister to answer every question?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not only I am aware that he is in service but that he is the recipient of King's Police Medal.

Hindu and Muslim clerks, cashiers, stenographers, typists and press establishment in the office of the Commissioner of Police.

***235. Maulvi AZHAR ALI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state the total number of Hindu and Muslim—

(*i*) clerks (including Upper and Lower Division);

(*ii*) cashiers;

(*iii*) stenographers;

(*iv*) typists; and

(*v*) press establishment, etc.,

in the office of the Commissioner of Police, Calcutta?

(*b*) Will the Hon'ble Minister be pleased to state the number of vacancies for the last 7 years in each cadre, that were filled by—

(*i*) Hindus;

(*ii*) Muslims; and

(*iii*) relatives of Superintendent and Head Assistant, respectively?

(*c*) Is it a fact that the Commissioner of Police is of opinion that qualified Muslim candidates were not available for the above appointments?

(*d*) If the answer to (*c*) is in the affirmative, what is his objection to refer the vacancies to the Public Service Commission and Finance Department or to refer the vacancies to recognised Muslim Association as ordered by Government.

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

(*c*) No.

(*d*) Does not arise.

Statement referred to in the answer to clauses (a) and (b) of starred question No. 235.

	Present strength.				How vacancies filled during last 7 years.		
	Hindus.	Muslims.	Anglo-Indians.	Total.	Hindus.	Muslims.	Relatives of Superintendent and Head Assistant.
Clerks ..	92	33	1	126	23	37	2 each.
Cashiers ..	4	..	..	4	4	..	
Stenographers ..	1	..	1	2	..	..	
Typists ..	6	2	..	8	..	2	
*Press establishment	6	1	..	*8	1	1	

*One post of Press establishment is vacant.

Sub-Inspector Babu Girindra Nath Singha.

***236. Mr. SUKUMAR DUTTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact—

(*i*) that Babu Girindra Nath Chakravarty, Sub-Inspector of Police, is in charge of Tarakeswar thana for over five years;

(*ii*) that taking advantage of his unusually long stay there the said sub-inspector has been unduly influencing local opinion in favour of Provat Giri, a candidate for Mohuntship of Tarakeswar;

(*iii*) that the said sub-inspector tried to influence Duniadar Ali Bagua and Sj. Sripati Hazra, both residents of Tarakeswar, in preventing them from giving evidence on behalf of Brahman Sabha against the said Provat Giri;

(*iv*) that on the 5th June last, a band of *goondas*, alleged to be hired by Provat Giri, attacked Nagendra Nath Mazumdar, a local Congress worker, and the said sub-inspector took no action whatsoever even when informed of the above assault; and

(*v*) that the said sub-inspector showed similar indifference to maintain law and order when on 28th May last about 100 *goondas* attacked Nagen Babu?

(*b*) Will the Hon'ble Minister consider the desirability of transferring the said sub-inspector from Tarakeswar at an early date?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Sub-Inspector Girindra Nath Singha (not Chakravarty) has been in charge of the thana since November, 1932. His tenure of office at the thana has been specially extended in the public interest.

(*ii*) to (*v*) No.

(*b*) He will be transferred in due course when his services are no longer required at the thana in the public interest.

Mr. SUKUMAR DUTTA: What is the nature of the public interest for which the tenure of the Sub-Inspector has been extended?

The Hon'ble Khwaja Sir NAZIMUDDIN: He managed the thana extremely well.

SHORT-NOTICE STARRED QUESTION AND ANSWER.

Number of employees in the Factories Department.

***236A. Maulana Md. ABDUL AZIZ:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing the following particulars:—

(*i*) the total number of employees in the Bengal Factories Department excluding the menials;

(*ii*) the grades of their services; and

(*iii*) the total number of Muslims in each grade?

(*b*) If the number of Muslims in the Department is not up to the required percentage, what steps does the Hon'ble Minister propose taking to increase the Muslim representation in future recruitment in each grade?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*), (*ii*) and (*iii*) A statement is laid on the table.

(*b*) The question of future recruitments of Muslims in those grades where they are insufficient in number is under the consideration of Government.

Statement referred to in the answer to clause (a) of short-noticed starred question by Maulana Md. Abdul Aziz, M.L.A.

Grades.	Number of posts.	Number of posts held by Muhammadans.
Chief Inspector	1	Nil
Inspectors	4*	Nil
Certifying Surgeons ..	2**	Nil
Clerks—		
Upper Division	4	Nil
Lower Division	9	1
Typist	4	1
Total ..	28	2

*One post vacant, to be filled up.

**One post has been left vacant indefinitely.

Mr. MIRZA ABDUL HAFIZ: May I know when the Government will increase the Muslim representation in this department?

The Hon'ble Mr. H. S. SUHRAWARDY: The entire matter is under the consideration of Government and I hope Government will be able to frame its policy in the near future.

Dr. NALINAKSHA SANYAL: With regard to short-notice questions, may we know your ruling if short-notice questions must involve some kind of urgency? Otherwise if such questions are allowed to be put, other important things might be barred out.

Mr. SPEAKER: So far at least as this session is concerned, owing to the large number of quesions that we have to deal with, it is not possible for us to examine them. We send them on to the Ministers concerned for their consent and, if their consent is received, the short-notice questions are allowed.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

River Nowkhali.

235. Babu PATIRAM ROY: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that under the rural development scheme Rs. 14,000 was allotted to the District Board, Khulna;

(*ii*) that the amount sanctioned was spent towards the re-excavation of some parts of the river Nowkhali;

(*iii*) that the head-water did not reach the Nowkhali; and

(*iv*) that if the head-water does not reach the Nowkhali, the scheme upon which the amount has been spent will have no effect upon the locality?

(*b*) If the answers to clause (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state if the Government is considering the desirability of taking any further step in the matter? If so, what?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) to (*iii*) Yes.

(*iv*) No. The project aims at improving the local drainage by removing the earthen dams across the Nowkhali *Khal* and will effect

considerable improvement in the sanitary condition of the locality which is now very malarious.

(*b*) No.

Secretary, Khulna Central Co-operative Bank.

236. Mr. ABDUL HAKEEM: (*a*)Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that the Secretary of Khulna Central Co-operative Bank was a candidate for election to the Bengal Legislative Assembly?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the amount the said Secretary drew as travelling allowance and daily allowance from the bank in the financial year 1936-37;

(*ii*) the dates for which such travelling allowance and daily allowance he drew; and

(*iii*) the places, the thaas, the subdivisions he visited during the period?

(*c*) Do the Government propose to hold an enquiry if there was misuse of public money?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Yes.

(*b*) (*i*) No travelling or daily allowance was drawn by him from the bank.

(*ii*) Does not arise.

(*iii*) The information is furnished below:—

Name of place visited.	Date of visit.	Thana.	Subdivision.
1. Birat ..	5th November, 1936.	Batiaghata ..	Sadar, Khulna.
2. Birat Uttarpara ..	Do. ..	Do. ..	Do.
3. Lakshikhola ..	6th December, 1936.	Do. ..	Do.
4. Bhanderkota ..	Do. ..	Do. ..	Do.
5. Magura Ghona Dakshinpara and Uttarpara.	31st October, 1936.	Dumuria ..	Do.

(*c*) Does not arise.

Number of scheduled caste clerks in the offices under the District Judge, Nadia.

237. Babu LAKSHMI NARAYAN BISWAS: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) the total number of scheduled castes in the offices under the District Judge of Nadia as (1) Upper Division clerks, (2) Lower Division clerks; and (3) Menials;

(*ii*) the total number of (1) Upper Division clerks; (2) Lower Division clerks; and (3) menials;

(*iii*) the number of persons appointed in service (since) January 1932 as (1) Upper grade clerks, (2) Lower grade clerks, and (3) menials, year by year?

(*b*) Is it a fact that the number of scheduled castes employed under the District Judge of Nadia is below the standard fixed for the scheduled castes?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government intend to take to make up the standard?

(*d*) Is it under the contemplation of the Government to revise the standard of percentage for the scheduled castes under this department keeping in view their number and just claims?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) (1) 1, (2) 11 and (3) 12—total 24.

(*ii*)—(1) 15, (2) 92 and (3) 169—total 277.

(*iii*) Year.	Upper grade clerks.	Lower grade clerks.	Menials.
1932	1	2	Nil
1933	1	2	Nil
1934	Nil	5	6
1935	2	2	10
1936	5	7	1
1937	1	2	31
Total ..	10	20	48

(*b*) No definite percentage of posts is fixed for this district. A copy of Government (Appointment Department) Circular No. 9898A., dated the 21st September, 1936, on the subject fixing percentages of

vacancies to be filled relating to ministerial appointments only is laid on the Library table.

(*c*) Does not arise.

(*d*) The matter is under consideration so far as it concerns the Department under my charge.

Babu Chaitannya Kumar Biswas, Assistant Sub-Inspector of Police.

238. Babu NARENDRA NARAYAN CHAKRABARTY: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that Babu Chaitannya Kumar Biswas, an Assistant Sub-Inspector of Police, while posted at Rajora police-station within Madaripur subdivision of Faridpur district, was convicted and sentenced to a fine of Rs. 150 in a criminal case arising out of his interference with the election of the president of Hoshenpur Union Board within Madaripur subdivision in 1935, and has since been dismissed from service;

(*ii*) that during the trial of the case there were serious disclosures that in making abuse of his powers as a police officer the said Chaitannya Kumar Biswas acted under direction of Maulvi Komoruddin Ahammed who was then in charge of the said police-station Rajora and under whom the said Chaitannya was then serving; and

(*iii*) that in the judgments of both of the trial court and the appellate court there were serious comments against the conduct of the said Komoruddin Ahammed.

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether it is a fact that after the disposal of the case against the said Chaitannya the Superintendent of Police, Faridpur, recommended a punishment for the said Komoruddin by degrading him for 3 years at a reduced pay;

(*ii*) whether it is true that thereupon the Government called for a report from the District Magistrate, Faridpur, as for the reasons for which such a lenient punishment had been recommended for Komoruddin though in view of the disclosures of his conduct in the trial of the case against Chaitannya, he deserved a more severe punishment than that Chaitannya had been given; and

(*iii*) whether it is true that thereupon the District Magistrate, Faridpur, in difference with the recommendation of the Superintendent of Police, recommended the dismissal of the said Komoruddin?

(*c*) If the answers to (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are prepared to ascertain why the Superintendent of Police recommended such a lenient punishment for the said Komoruddin?

(*d*) Will the Government be pleased to lay on the table the whole file in the matter of the said Maulvi Komoruddin Ahammed with all the reports and recommendations of all officers who had occasion to deal with the case?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) There is no proof that the Assistant Sub-Inspector, Chaitannya Kumar Biswas, acted under the direction of the Sub-Inspector Komoruddin Ahammed.

(*iii*) Yes.

(*b*) and (*c*) Inter-departmental communications and correspondence between local officers and Government are treated as confidential and their contents cannot be disclosed.

(*d*) No.

Mr. SURENDRA NATH BISWAS: Is it not a fact that Sub-Inspector Kamrudin was dismissed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that this does not arise out of this question.

Mr. SURENDRA NATH BISWAS: Yes, it arises out of questions (*b*) (*i*), (*ii*) and (*iii*).

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that such departmental communications and correspondence between local officers and Government are treated as confidential and that their contents cannot be disclosed.

Mr. SURENDRA NATH BISWAS: Is it not a fact that he was dismissed and that he has been reinstated very recently?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am stating that he is in Government service at the present moment.

Mr. SURENDRA NATH BISWAS: I know, but I ask whether it is a fact that he had been dismissed.

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no question of dismissal until an officer is finally dismissed.

Mr. SURENDRA NATH BISWAS: I ask the Hon'ble Minister again to let this House know whether Kamruddin was first dismissed and then reinstated subsequently?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SARAT CHANDRA BOSE: I submit that this House is entitled to be treated with more respect than it has been treated with by the Home Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have given the answer and I have also said that the recommendations of the departmental officers are treated as confidential.

Mr. SARAT CHANDRA BOSE: May I submit that the way in which the Hon'ble Minister has been answering the last three questions of Mr. Surendra Nath Biswas would have been characterised as fencing if made before a court of law?

The Hon'ble Khwaja Sir NAZIMUDDIN: These questions and the supplementary questions are meant for eliciting information and not for cross-examining the Minister.

Mr. SARAT CHANDRA BOSE: May I submit to you, Mr. Speaker, that the Hon'ble Minister is not entitled to make that observation when the question has been allowed by you?

Mr. SPEAKER: My difficulty is with regard to your term "fencing." I would have given a ruling if you had not used that word.

Babu NAGENDRA NATH SEN: Does the Hon'ble Minister know, as a matter of fact, that the Sub-Inspector was dismissed at a certain stage?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that I am not sure of my facts, and I have asked for notice.

List of projects to be taken up out of the Road Development Fund.

239. Mr. SHAH ABDUR RAUF: (*a*) Will the Hon'ble Minister in charge of the Communication and Works Department be pleased to state—

(*i*) whether the list of projects to be taken up out of the Road Development Fund have since been finally selected;

(*ii*) whether the Trunk Road from Pabna to Bihar boundary *via* Bogra, Rangpur and Birganj (Route No. 14) as per alignment suggested by the Special Officer with the concurrence of the District Boards and District Magistrates of different districts; and

(*iii*) the North Bengal Highway from Berhampore to Darjeeling *via* Godagari, Birganj and Siliguri (Route No. 13) have been included in the list so selected?

(*b*) If the answers to clause (*a*) are in the negative, will the Hon'ble Minister be pleased to state when the matter is expected to be taken up and finally settled?

(*c*) Is it a fact that even after the final selection there will be considerable delay in actually starting those two projects particularly (*a*) (*ii*)?

(*d*) Is it not a fact that the development schemes are proposed to be taken up in order of importance for the entire province of Bengal?

(*e*) If so, in what probable year, Route No. 13 and Route No. 14 are likely to be taken up?

(*f*) Are the Government aware that most of the existing bridges on the proposed alignment No. 14 passing through the Rangpur district are rickety and not quite safe even for light motor traffic and that in spite of their best endeavours, the District Board is unable for want of funds to take up the necessary repairs in hand and will rather be obliged to close some of them at least for such traffic in near future?

(*g*) Is it not a fact that this alignment, specially the portion between Bogra and Rangpur, is very important for inter-district communication as it taps the most important jute centres hitherto unconnected by railway?

(*h*) Is it not a fact that the motor traffic of the district will be greatly impaired if the bridges of this alignment, which is otherwise motorable in all seasons, are thus closed?

(*i*) Is it not a fact that the Road Development Fund is derived out of additional tax on petrol?

(*j*) If so, what is the approximate amount spent out of this fund for road improvement in North Bengal specially at Rangpur up till now?

(*k*) Will the Government, in view of the fact that Rangpur District's share of contribution to the fund is very heavy owing to extensive motor traffic, be pleased to consider the desirability of allocating a substantial amount every year out of this fund in improvement of the bridges according to sanctioned plans on these approved schemes so as to give immediate relief to the public contributing to the above fund?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) No.

(*ii*) and (*iii*) These roads have been included in the tentative list of trunk roads.

(*b*) After the receipt of the report of the Special Officer.

(*c*) Some delay is inevitable.

(*d*) Yes.

(*e*) Nothing can be stated definitely at present.

(*f*) I have no information about District Board roads.

(*g*) to (*i*) Yes.

(*j*) North Bengal—Rs. 10,62,547 and Rangpur—Nil.

(*k*) The matter will receive due consideration.

Representation for the construction of a bridge near Serajganj station.

240. Mr. ABDULLAH-AL-MAHMOOD: (*a*) Is the Hon'ble Minister in charge of the Communication and Works Department aware that the inhabitants of some 9 or 10 villages between the stations Serajganj Bazar and Serajganj made repeated representations to the Railway authorities for the construction of a bridge and a culvert on the railway embankment and road near Serajganj station on the Eastern Bengal Railway?

(*b*) Are the Government considering the desirability of drawing the attention of the Railway authorities to these matters?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) The subject will be considered.

Sj. Manindra Nath Some.

241. Mr. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department consider the restrictions imposed upon Sj. Manindra Nath Some when released, a bar to secure a job in these days of hard competition and struggle?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister consider the desirability of removing them at once or compensate them in the shape of monthly allowances?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The gentleman has been released unconditionally.

(*b*) Does not arise.

Arms Act case against Maulvi Mohammad Shariff Khan.

242. Mr. BARADA PROSANNA PAIN: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that a case has been instituted under the Arms Act against Maulvi Mohammad Shariff Khan, a Municipal Commissioner of Howrah, for the alleged possession of cartridges?

(*b*) Is it a fact that in delivering the judgment Mr. Halder, Deputy Magistrate of Howrah, who tried the case held—

(*i*) that the case was false;

(*ii*) that the cartridges in question had been planted in the house; and

(*iii*) that a relentless vendetta was being carried on against Maulvi Mohammad Shariff Khan; and

(*iv*) that at a largely attended public meeting presided over by Mr. Khwaja Nooroodin, M.L.A., held at the Howrah Town Hall, resolutions were passed asking for an enquiry into the whole matter?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, is proposed to be taken in the matter for the protection of Maulvi Mohammad Shariff Khan after due enquiry?

(*d*) Is the Hon'ble Minister aware that the evidence of a witness for the Crown was to the effect that the Public Prosecutor and the investigating officer had called the witness to the Public Prosecutor's house to induce him to give false evidence?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) (*i*) to (*iii*) The trying Magistrate held that the case was false; that the cartridges were planted by unknown persons and that a vendetta was being carried on against Shariff Khan by his private enemies.

(*iv*) Yes.

(*c*) An enquiry will be made and action to be taken will depend on the result of the enquiry.

(*d*) Apparently one witness, Lakhi Kanta Dutta, stated that "last night I had been taken to the house of Pankaj Babu and from there to the house of Amulya Doctor at Howrah by Brindaban Babu. In the house of Amulya Babu I was told by Brindaban Babu that I might be in difficulty unless I depose in this case."

The Public Prosecutor has reported the witness's statement of having been taken to his house to be absolutely false. The witness was allowed by the Court to be cross-examined by the prosecution.

Mr. BARADA PRASANNA PAIN: With regard to answer (*c*), is the Hon'ble Minister aware that a demand of enquiry was made three years ago and that so far there is no indication that an enquiry has been held?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that an enquiry will be made and the action to be taken will depend on the result of that enquiry.

Mr. BARADA PRASANNA PAIN: Will the Hon'ble Minister be pleased to give an assurance that the enquiry proposed will not be held by Police officers as serious allegations have been made against them?

The Hon'ble Khwaja Sir NAZIMUDDIN: No. The enquiry will be held by the District Magistrate.

Number of persons in Bengal detained without trial under the Bengal Regulation III of 1818 and the Bengal Criminal Law Amendment Act.

243. Rai Bahadur JOGESH CHANDRA SEN: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) the number of persons from Bengal now detained without trial under (1) the Bengal Regulation III of 1818, and (2) the Bengal Criminal Law Amendment Acts;

(*ii*) the number that are (1) males, and (2) females;

(*iii*) the localities in which they are detained; and

(*iv*) the number that have been released since the 1st April, 1937?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) On the 12th September the number was 1,868, including 489 persons in home internment and excluding 86 in training camps. There are also some persons under 21 years of age, whose movements have been restricted by District Magistrates under section 2A of the Bengal Criminal Law Amendment Act. The number of these was 148 at the end of August last.

(*ii*) Ten are females and the rest are males.

(*iii*) I am not prepared to give this information.

(*iv*) 504 on conditions or without conditions. This includes a number of persons who had been conditionally released before the date mentioned.

Rai HARENDRA NATH CHAUDHURI: How many were released since 1st April, 1937?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there are about more than half a dozen statements in which I have given figures. These figures can be all changed from day to day and there will be half a dozen further statements in the course of answering questions in this session. A monthly statement will be issued.

Mr. SANTOSH KUMAR BASU: Does not the Hon'ble Minister know that this House is entitled to know the position every day when a question is put, rather than from time to time?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a matter of opinion.

Rai HARENDRA NATH CHAUDHURI: We find placed on the table certain demands in connection with supplementary grants for expenditure. Under section 79 of the Government of India Act, we are not only entitled to refuse to assent to a demand but we are also entitled to send motions for reduction. How can we send motions if these demands are coming up to-morrow?

Mr. SPEAKER: You can send them to-day.

Rai HARENDRA NATH CHAUDHURI: Will you be prepared to accept them on short-notice?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: Under the rules, three days' interval must be left between the presentation of a supplementary budget and the demands for grant. I find that we got them on the 20th afternoon at 5 p.m. and it will be taken up on the 23rd. So, it does not give three clear days.

Mr. SPEAKER: In any case, I shall take this matter up when the question arises.

Creation of loan funds.

244. Mr. SHAH ABDUR RAUF: (*a*) Will the Hon'ble Minister in charge of the Communication and Works Department be pleased to state if the loan fund proposed to be created by capitalising a portion of the Motor Vehicles Tax proceeds has since been created?

(*b*) If so, what is the amount so far raised in this fund?

(*c*) How many projects have so far been selected to be taken up out of this fund?

(*d*) Is it a fact that the construction of a bridge over the river Charalkata at Tangonmari in the district of Rangpur is one of them?

(*e*) Is it a fact that this important project has been pending for a long time and is ready to be started immediately, the plan and estimate having already been sanctioned by Government?

(*f*) If so, when do Government propose to provide necessary fund to start this work?

(*g*) If the reply to clause (*a*) is in the negative, will the Hon'ble Minister be pleased to state what steps are being taken by Government to create such a fund?

(*h*) Is there any chance of raising sufficient money in this fund within the current year to start this long pending work of constructing the bridge over the Charalkata at Tangonmari in Rangpur District?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) No.

(*b*) Does not arise.

(*c*) Five.

(*d*) and (*e*) Yes.

(*f*) When the loan fund is created, if it is created at all.

(*g*) It was decided by the previous Government to raise a loan by capitalising a portion of the Motor Vehicles Tax Fund for the construction of this and other bridges in the province. The subject is under the consideration of the present Government.

(*h*) The chance is somewhat remote.

Recruitment of Bengali ordinary and literate constables from the district of 24-Parganas.

245. Khan Bahadur A. F. M. ABDUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) the number of *bona fide* Bengali—ordinary and literate—constables recruited during the last five years in the District of 24-Parganas and their communal proportion; and

(*ii*) whether it is the present policy of Government to recruit more (*bona fide*) Bengali constables, both ordinary and literate?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to issue necessary orders to the appointing authorities?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether it is a fact that in the District of 24-Parganas a waiting list of constables, both literate and ordinary, is maintained in the police office and from that list recruitments are made; and

(*ii*) whether it is a fact that such list contains the names of majority of non-Bengali candidates?

(*d*) If the answer to (*c*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to issue orders to the Superintendent of Police, 24-Parganas, to prepare a fresh list of candidates containing the names of only *bona fide* Bengalis?

(*e*) Will the Hon'ble Minister be pleased to fix the proportion of Hindu and Mussalman (Bengali) constables, both ordinary and literate, to be recruited every year in the District of 24-Parganas?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The total number of *bona fide* Bengalis enlisted as constables in the District of 24-Parganas during the last 5 years is 171, of whom 122 were Hindus and 49 Muhammadans.

(*ii*) There is no separate rank of literate constables. In enlisting constables to the unarmed branch of the force, the present policy of Government is to give preference to Bengalis, provided they possess the necessary physical and other qualifications.

(*b*) Does not arise.

(*c*) (*i*) Yes.

(*ii*) and (*d*) The list is being revised in accordance with the latest order of the Inspector-General of Police.

(*e*) The matter has not yet been considered.

Externee Babu Aghore Chandra Das.

246. Mr. ISWAR CHANDRA MAL: (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) how long Babu Aghore Chandra Das, son of the late Rai Charan Das, of Darua, police-station Contai, in the District of Midnapore, has been externed from the District of Midnapore;

(*ii*) whether the said externee, Babu Aghore Chandra Das, applied on the 12th June last, to the District Magistrate of Midnapore, for permission to go home to see his wife lying on her death-bed;

(*iii*) whether he sent a reminder to the said District Magistrate on the 14th June last;

(*iv*) whether he again sent a wire on the 17th June last to the said District Magistrate reminding him of his previous applications and seeking permission to go home to see his wife lying on death-bed;

(*v*) whether his wife died on the 18th June last; and

(*vi*) whether he got permission on the 19th June last?

(*b*) If the answers to (*a*) (*ii*) to (*v*) are in the affirmative, will the Hon'ble Minister be pleased to state who is responsible for Aghore Babu's not being able to have a last sight of his wife before her death?

(*c*) In how many days does a letter from Calcutta reach Midnapore?

(*d*) On which date did the District Magistrate of Midnapore get Aghore Babu's application and on which date did he take action on it?

(*e*) Is the Hon'ble Minister aware that the wife of the said Aghore Chandra Das has died leaving small children?

(*f*) Do the Government consider the desirability of removing externment order from the said externee so that he may return home and take care of his children?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I understand that the facts are as follows:—

(*i*) Babu Aghore Chandra Das was externed, with effect from the 30th October, 1933.

(*ii*) to (*b*) and (*d*) When the letter of Aghore Chandra Das was received on the 13th June, asking for permission to go to Contai to see his wife who was said to have been ill for about a year, the general question of cancellation of the externment orders was under examination. It was thought that in view of the protracted illness of the lady a few days' delay which the decision on the general question would involve would make no difference.

No reminder was received on the 14th, but when a telegram was received on the 17th June, the District Magistrate took action immediately and passed orders granting the externee permission to go to Contai subject to certain officers seeing his order before issue. The District Magistrate went out on tour on the 18th morning. When on the 18th the telegram was about to be issued the externee's address could not be ascertained. An express letter was immediately sent to the Officer-in-charge, Contai police-station, who was asked to ascertain the address locally and send a telegram communicating the permission granted by the District Magistrate. This he did on the 19th morning.

(*c*) Letters from Calcutta reach Midnapore in one day if posted in time.

(*e*) Yes.

(*f*) The order of externment has been withdrawn with effect from the 6th August, 1937.

GOVERNMENT BILL.

Bengal Tenancy (Amendment) Bill.

Mr. SPEAKER: Sir Bijoy, have you got anything to say about the point, I mean whether the amendment of Mr. Surendra Nath Biswas is admissible or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I still maintain and submit for your consideration that it is not admissible, because, as I tried to point out yesterday, clause 6 only deals with giving retrospective effect to certain provisions in section 26G with regard to mortgages entered into prior to the year 1928. That is the only change that we are suggesting now. The amendment moved by Mr. Biswas seeks to bring about a change also with regard to mortgages entered into after 1928. He wants to do away with the distinction between a complete mortgage and any kind of mortgage. So, I submit, Sir, that it is not, strictly speaking, within the scope of the Bill clause. That is my submission.

Mr. SPEAKER: Yesterday we were discussing the scope of section 26G of the Bengal Tenancy Bill as regards the admissibility of certain amendments moved, on which Mr. Surendra Nath Biswas spoke and I gave him permission tentatively to move his amendments as being within the scope of the Bill—a very important question. I have since then very carefully considered the points raised by the Hon'ble Sir Bijoy Prasad Singh Roy. Section 26G was a new provision enacted by the Bengal Tenancy Amendment Act of 1928, and the Hon'ble the Revenue Minister will probably remember, as both he and myself in the Bengal Legislative Council as then constituted, had our respective contributions to make towards the discussions that this limitation of mortgage by occupancy-raiyats was an integral part of the provision of landlord's transfer-fee which was for the first time enacted in the Act of 1928. The Objects and Reasons for this limitation on mortgage were that occupancy-raiyats may not avoid the payment of the transfer-fees to the landlords by entering into a form of usufructuary mortgage which might, for all practical purposes, be taken as transfer. To-day the situation is changed. Landlord's

transfer-fee has been totally abolished at the instance of the Revenue Minister and there is a right of free transfer given to occupancy-raiyats. The objects behind the limitations on mortgage of occupancy-raiyats have therefore gone. In that view any retention for this limitation on mortgage by occupancy-raiyats in the Tenancy Bill must, therefore, be taken as a substantive change, and therefore it is open to this House to consider fully the bearing of this limitation of mortgage on occupancy-raiyats. I am not entering here at all into the merits of the Government's retention of this limitation, which is not my function. All I am concerned with is to find out the exact scope of clause 6, and I feel that in view of the abolition of landlord's transfer-fee, section 26G as a necessary consequence must be considered on its own merits and as such it is open to the House to give the fullest consideration to the provision of this section. I had already enunciated the principle that amendments have also to be considered among others from the point of view of giving a workmanlike design to the Bill and having abolished the landlord's transfer-fee the House has the undoubted right to consider this limitation and its effect on the occupancy-raiyats as a whole.

I fully appreciate the points raised by the Hon'ble Revenue Minister. Unfortunately the Statment of Objects and Reasons does not give any explanatory reasons for clause 6. Sub-section (*2*) (*1*) (*a*) of clause 6 enunciates that usufructuary mortgages subsisting after the 1st August, 1937, but entered before the Bengal Tenancy Amendment Act of 1928 shall be deemed to be complete usufructuary mortgage for a certain limited period. That being so, as I read this section in the Bill with reference to section 26G of the Act, I feel that prior to 1928 occupancy-raiyats had probably the right to enter into any form of usufructuary mortgage and if it is now desired that such mortgages should be effective only for a limited period, it undoubtedly opens the entire status of occupancy-raiyats at least with reference to those who entered into usufructuary mortgage before 1928. I do not go so far as to deny that the Hon'ble Revenue Minister has put up some plausible reasons for holding the amendment proposed as outside the scope of the Bill, but it appears to me that there is equally good reason to the contrary and in a matter of this character I should follow the general principle that the decision should be in favour of the right of this House to consider the amendments on their merits and not in favour of any restriction unless I am convinced definitely that the matter is without question beyond the scope of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In view of what has just fallen from you I do not think I need pursue that matter any further. But I would just point out, Sir, one fact that section 26G was introduced in the amending Act of 1928 not in the interests of landlord's transfer-fee but in the interests of the tenants. (Cries

of "Never, never" from Congress members.) This fact was made abundantly clear in the speech of Mr. Sachse.

Mr. SPEAKER: I am not concerned in whose interests it was done, but it was a necessary consequence of transferability.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: You have just said, Sir, it was introduced in the interests of landlord's transfer-fee——

Mr. SPEAKER: No, no. I said it was introduced as a necessary consequence of transfer-fee.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In view of your ruling, Sir, I do not think that I should pursue that point any further.

Mr. NISHITHA NATH KUNDU: May I draw your attention that amendment No. 426 to clause 6 of the Bill was passed over?

Mr. SPEAKER: Well, I will look into this point later. Let me now finish all other amendments to clause 6.

I take it, Mr. Biswas, you have moved your three amendments?

Mr. SURENDRA NATH BISWAS: Yes, Sir.

Mr. SPEAKER: Amendment No. 469 is beyond scope.

Mr. SPEAKER (to Mr. P. Banerji): Mr. Banerji, I find that one part of your amendment No. 374, I refer to section 26F, is not necessary and the deletion of section 26G has already been moved by Mr. Biswas. So, I do not think it is necessary for you to move this motion, but you can speak on the amendments moved by Mr. Biswas.

Mr. P. BANERJI: I do not move it then.

Mr. SPEAKER: I will consider this amendment later, but all these amendments are now open to discussion.

Mr. P. BANERJI: May I speak now?

Mr. SPEAKER: Yes.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I reply, Sir?

Mr. DHIRENDRA NATH DATTA: May I rise on a point of information with regard to clause 6? I submit that there is an absurdity in the provisions contained in the proposed sub-section (*5*) under sub-clause (*6*) of clause 6 and proposed sub-section (*1a*) of sub-clause (*2*) of clause 6.

Mr. SPEAKER: If there is an absurdity, I cannot help it. You must take the consequences.

Mr. DHIRENDRA NATH DATTA: Sir, if these two sections are read together, it would appear that in section (*5*) it is stated that 15 years will apply even in the case of those instruments where there is no registration. There it has been stated that nothing shall be deemed to have been extinguished on the expiry of the period mentioned in the instrument of the mortgage or of fifteen years, whichever is less, from the date of the registration of the instrument or where there is no registered instrument from the date of the mortgagee's entering into possession and the mortgagor shall thereupon become entitled to possession of the mortgaged holding and he may, if he is not forthwith given possession, apply to the court or to a revenue officer to be restored thereto. That shows, Sir, that even if there is no instrument or no document, 15 years will be computed from the date of entry into possession.

Kumar SHIB SHEKHARESWAR ROY: Which clause we are discussing now?

Rai HARENDRA NATH CHAUDHURI: He is referring to proposed sub-section (*5*) of sub-clause (*6*) of clause 6.

Mr. DHIRENDRA NATH DATTA: In proposed sub-section (*5*) to section 26G it has been stated that fifteen years will be computed if there is no instrument from the date of the mortgagee's entry into possession, and in this proposed sub-section (*5*) there is also a reference to proposed sub-section (*1a*), and there it has been stated that it shall be deemed to have taken effect as a complete usufructuary mortgage for the period mentioned in the instrument or for fifteen years, whichever is less. That is fifteen years will be computed. But from which period? I submit, Sir, that the expression "fifteen years" must be made clear. Where there is no registered instrument, then fifteen years will be computed from the date of the mortgagee's entry into possession——.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I know, Sir, to which part of the clause he is referring?

Mr. SPEAKER: As I understand the position, he wants to find out the difference between the proposed sub-section (*5*) of sub-clause (*6*) of clause 6 and proposed sub-section (*1a*) of sub-clause (*2*) of clause 6, and says that the language used in both these cases is not uniform. In one case you have referred to the limitations to run from the date of actual possession of the usufructuary mortgage, while in another case you have referred to fifteen years without considering how it is to begin. He wants to point out this difference.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think, Sir, it is quite clear that where there is an instrument, the period of fifteen years should begin from the date of the registration of the instrument, and where there is no instrument, from the date of possession.

Mr. SPEAKER: I think Mr. Datta, the best thing for you would have been to give notice of an amendment on the line you have followed now.

Mr. DHIRENDRA NATH DATTA: If the Hon'ble the Revenue Minister——

Mr. SPEAKER: Order, order. I think that will do.

Mr. P. BANERJI: Mr. Speaker, Sir, I rise to support the motions moved by my friend Mr. Biswas, and in doing so I must first point out to the Hon'ble the Revenue Minister that complete usufructuary mortgage is now a dead letter. You, Sir, rightly pointed out that it was in the fitness of things that clause 26G should be automatically extinguished. But instead thereof the Hon'ble Minister has suggested and wants to bring in this amendment. I will just tell him, Sir, what has been the net result of this usufructuary mortgage ever since the Act was introduced from the 1st of April, 1929. As I pointed out and as I shall prove in a minute, Sir, complete usufructuary mortgage has been absolutely a dead letter. It is not certainly in the interests of the tenants of which the Hon'ble Minister has just now made so much. It does not take a minute to understand this very simple thing. I must say from my own experience and from the definite enquiries that I made in my constituency that, ever since the Tenancy Act was introduced in 1929, ever since then not a single complete usufructuary mortgage has been registered in my constituency, and why? Because the tenants found that it was not to their interest. Sir, there is one other thing that must also be brought to the notice of the Hon'ble Minister. He thinks that complete usufructuary mortgages generally take place between the landlord and the tenant; as it was made clear, Sir, this has absolutely gone out of the picture. Nor do such mortgages take place between creditors and tenants; but it is absolutely

between tenant and tenant. In districts where there have been such mortgages as usufractuary mortgage when the tenants approach some creditors for money they get it even on a simple mortgage. The tenants have their properties absolutely at the discretion of the creditors giving them the right of it by mutual agreement just as in the case of usufractuary mortgage.

Mr. SURENDRA NATH BISWAS: Lest there be any misunderstanding, I beg to withdraw my motion No. 410 which says that clause (6) be deleted. My motion for deletion of clause 26D remains and the latter part goes out.

Mr. P. BANERJI: If no loan is secured on a portion of the land, the tenant has to mortgage the whole of his property. He will be landless for 15 years. Thus the object of the clause to give relief to the tenant who transfers the whole of his property will be frustrated. For 15 years he has to remain landless. No purpose will be served by retaining this provision. It is well known that rural credit will be entirely disorganised, if the word "complete" be retained. In my constituency there has been not a single complete usufractuary mortgage. I fail to understand why the Hon'ble Minister should not accept the amendment of Mr. Biswas. What is the difference between his amendment and that of Mr. Biswas. Mr. Biswas wants to delete the word "complete" and substitute by "any kind of usufructuary mortgage." If the Hon'ble Minister is keen on giving relief to the tenants, he ought to accept this amendment. Before the introduction of this clause in 1929 what was the state of affairs? In case of a simple or usufructuary mortgage if any tenant came forward with the money that was advanced within 60 years, he was entitled to get back his property. The Hon'ble Minister suggests that it does not stand in the way of usufructuary mortgage in any way, and it is quite possible to make any sort of arrangement in the interest of the tenant. In this clause we are giving them power of selling the whole tenantry; but why should we restrict them only in the matter of raising loans. The result of this limiting their right would be that they would not be able to get loans and would be compelled to sell their property and thus they will become landless.

The amendment of the Hon'ble Minister is not in the interest of the tenants. The Hon'ble Minister in spite of his protestation about looking to the interest of the tenant, he as a zamindar, was unwilling to give any relief to the tenant but was compelled to do it——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: To do what?

Mr. P. BANERJI: To do all these things. I say there is still time for the Hon'ble Minister to reconsider the matter and accept the amendment of Mr. Biswas.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as I understand Mr. Biswas, he sticks to his motion for deletion of section 26G and withdraws his motion for deletion of (*6*) of the Bill. Now, what are the rights conferred by section 26G of the Act? Section 26G, I venture to submit, was introduced in the Act of 1928 not in the interest of the landlord's transfer-fee but in the interest of the cultivator, and this is perfectly clear from the speech delivered on the occasion by Mr. Sachse, then Secretary, Revenue Department, and now Member, Board of Revenue. He said "provision about complete usufractuary mortgage is entirely for the benefit of the *bona fide* cultivator": that is what he said. It was not introduced as some of my friends on the other side of the House try to maintain, in the interest of the landlord's transfer-fee. So with the deletion of clause 26G the benefit that was conferred on the cultivators by the Act of 1928 will also disappear. Now, let us analyse what was the benefit conferred by 26G. Section 26G lays down that the raiyat should not enter into any other form of usufractuary mortgage but complete usufractuary as defined in the Act itself and a debt will be considered to be liquidated within 15 years. If the period is more than 15 years, then it will be considered an illegal contract. After 15 years the mortgagor will get back his land. As is well known to the members of this House, there are innumerable instances in this province where the poor raiyat has been compelled to place his land under usufractuary mortgage for a large number of years and though the money that was taken had been completely liquidated he did not get back his land.

Mr. SPEAKER: I think it would be convenient if you finish your speech after the adjournment. I must adjourn the House for prayer.

The House was adjourned for 15 minutes.

(*After adjournment.*)

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, as I was submitting that section 26G was put into the Amending Act of 1928 entirely in the interests of the cultivators. (A VOICE: Question.) You may question it, but please have the patience to listen to me. It was introduced entirely in the interests of the cultivators and not in the interests of the landlords and certainly the mahajans were not very pleased with this amendment. There are innumerable instances in this province where a poor tenant placed his land, which is his little all in this world under usufructuary mortgage for quite a large number of years. The mortgagee has been enjoying the usufruct of the land for several years and still the debt is not liquidated. It was considered a very great hardship and in the interest of the agriculturists this amend-

an example. Take for instance an acre of land producing 18 maunds of paddy. The value of 18 maunds of paddy even in the present market should be taken at Rs. 1-8 per maund will be Rs. 27 and I will take Rs. 12 as the price of straw—Rs. 4 per bigha—that is not a very high price; so the total amount comes to Rs. 39, say, Rs. 40, that is the gross produce. Now, if we deduct 50 per cent. of that as the cost of cultivation and rent, the balance is Rs. 20. Now what is the value of Rs. 20 in the present market? According to the calculation table, I think at 8 per cent. the value would be 8½ times or, say, Rs. 170. Nobody would advance as much as Rs. 170 on an acre of land at present. Mind that Rs. 170 is the full value of the land. So even if 50 per cent. is advanced the value comes to Rs. 87. Now the mortgagee has been enjoying the usufruct at the rate of Rs. 20 annually for 15 years, still that Rs. 87 that was advanced is not yet liquidated in some cases. The rate of interest that he has been enjoying is according to my calculation 20 per cent. So is there any reason why the period should be unlimited. It is only fair to the poor tenant that a time-limit should be put. It may be argued that if you put a time-limit and compel the tenant indirectly to enter into one form of mortgage, namely, a complete usufructuary form of mortgage, then you cripple his credit. I maintain that really I do not, because it is more in the interest of the tenant that ultimately he should get back his land rather than that he should ultimately lose his land. So that is not really reducing his credit, but in the long run increasing his credit. That is my argument.

Sir, I am surprised that my friend opposite should be the mover of an amendment like this. This amendment should have come from a person who has got the interest of the mahajans at heart, but as the hon'ble member professes that he is the champion of the tenants, of the poor agriculturists, he should have been the last person to move an amendment of this character. Sir, I would maintain that this is one of the principal benefits that the Bill proposes to confer on the agriculturists, in fact the benefit was conferred by the Act of 1928. What I now suggest is to give this provision a retrospective effect with reference to mortgages entered into before 1928 but still subsisting; that is my proposal. So the deletion of 26G from the Bengal Tenancy Act will be an act of definite unkindness to the mortgagor, namely, the poor cultivators. With these few words I strongly oppose the amendment.

With regard to the point that was raised by Mr. Dutta that whereas in sub-clause (*5*) of clause 6 it is mentioned clearly that "15 years, whichever is less from the date of registration of instrument, or where there is no registered instrument, from date of the mortgagee's entry into possession and the mortgagor shall thereupon become entitled ....." There is no mention in sub-clause (*1a*) with regard to cases

where there is no instrument. I just beg to point out that here we lay down in sub-clause (*1a*) a general law, whereas in sub-clause (*5*) we lay down a law more clearly and the conditions under which the mortgagor will get back his land. So it is not necessary to mention these details in (*1a*). That is the distinction.

Mr. NISHITHA NATH KUNDU: Sir, I beg to move that in section 6, clause (*5*), the last two lines, in paragraph 2 of the said clause (*5*) after the word "date" commencing with the words "Of the" till the end of the sentence, be substituted by the words "on which the mortgagee receives from the mortgagor or his duly authorised agent a notice of demand for delivery of possession by virtue of his rights under this Act, and the word "from" in line 10 of clause (*5*), paragraph 2, be substituted by the word "till."

Sir, in moving amendments Nos. 426 and 427 I submit that the Government amendment proposes to give restrospective effect to this section and proposes to give compensation to the mortgagor if the mortgagee retains possession even after the period of the mortgage. There have been two amendments moved by Mr. Surendra Nath Biswas, one for deletion of section 26G and another for amending the clause by removing the words "a complete" and substituting them by the words "any kind of" usufructuary mortgage. His ground is that this section 26G of the Bengal Tenancy Act was in the Statute Book to secure realisation of landlord's fee in case a raiyat would give the transaction a colour of usufructuary mortgage, but in fact would make an out and out sale. That might be, Sir, but this section is also required for safeguarding the interest of the raiyat-mortgagor against the undue privilege that a raiyat-mortgagee, or for the matter of that any mortgagee to take over him out of his helplessness when he goes to borrow money from the mortgagee. So, the necessity of this section was also for the sake of safeguarding the raiyat-mortgagor. If we delete that section, certainly we deprive the raiyat-mortgator of the advantage he derived from this provision. So, I oppose the deletion of section 26G. The question of amending the provision by the substitution of the words "any kind of" is not free from difficulty, because if there is a provision like that, it may be that after 15 years the interest will only be satisfied and the mortgator in order to satisfy his principal money will have to sell away some portion of the holding. So it is not very safe to say, at least we cannot definitely say, that by putting in the words "any kind of" before the words "usufructuary mortgage" it will give a raiyat-mortgagor a real benefit.

My friend, Mr. Surendra Nath Biswas, was telling us that we should look to the interest of the creditor-raiyat. So far as the interest of the raiyat-creditor is concerned, the interest of one who accepted an usufructuary mortgage after 1928 will not be prejudiced, because when

he accepted the mortgage he knew that his principal and interest would be liquidated after 15 years, and he must have advanced such sum as along with the interest would be liquidated within 15 years. Certainly, the rights and obligations that were created by the parties by their own acts before 1928 are going to be taken away by the Government amendment; these rights and obligations were created by the parties by their own acts and at the time these were created these were not illegal; those rights are now going to be taken away by this amendment. So, Sir, equity demands that the mortgator should, before asking for compensation from the mortgagee, be required to give a notice to the mortgagee, and if after the receipt of the notice the mortgagee still retains possession, he will certainly be asked to compensate the mortgagor. For the purpose of removing this inequity I move my amendments Nos. 426 and 427. By these amendments I have tried to remove this inequity. I can only request the Hon'ble Revenue Minister, if possible, to accept by amendments and to remove this inequity.

Sir, the other day I moved an amendment under section 26C only to point out that the Bill was inexhaustive even in respect of its provisions in regard to the right of transfer by raiyats, because raiyats at fixed rents have been left out of consideration and they form a large number of our cultivators in this province. There are also all sorts of raiyats in the khas mahals who have been left out. What I want to do by these amendments is that we should try to remove the defects as far as we can by making the provisions of the Bill consistent, reasonable and equitable. My amendments only require that the mortgagor should give a notice to the mortgagee before the former is entitled to compensation.

Sir, with these observations I commend my amendments for the acceptance of the House.

Maulvi ABDUL BARI: Sir, I beg to move that the question be now put.

The motion was put and agreed to.

Mr. SPEAKER: I shall have to put now all the amendments. I think that if the members will kindly place the Bill in front of them, I shall be able to explain to them in a summary way as to the bearing of the Bill of the amendments which have been moved in this House, although it is not an easy task.

The first is that section 26G be deleted altogether; this is not necessary because this wants to make a substitution.

There is a motion of Mr. Surendra Nath Biswas, viz., that section 26G be repealed altogether. Then there is another motion of Mr. Biswas, viz., that clause 6 be deleted.

Mr. SURENDRA NATH BISWAS: Sir, I beg leave to withdraw this amendment.

The amendment was, by leave of the House, withdrawn.

Mr. SPEAKER: As I have said, there remains the first paragraph of Mr. Biswas' amendment No. 468, where he wants to add at the end of sub-clause (*1*) of clause 6 of the Bill the words "beyond 15 years from the date of the mortgagee's entry into possession of the mortgaged land."

Then, if you turn to sub-clause 2(*1a*) of clause 6 and refer to Babu Upendra Nath Barman's motion No. 451, you will find that he wants to substitute the word "no" for "every". In the second part he wants to delete the last 3 lines beginning with the words "shall be deemed" and ending with "whichever is less" and substitute in their place "shall be effective after 15 years from the date on which the Bengal Tenancy (Amendment) Act of 1928 came into force".

The next amendment is that moved by Maulvi Sadaruddin Ahmed in which he wants to insert after the word "mortgage" in the penultimate line of the same sub-clause the words "excepting such usufructuary mortgages as are for a period of fifty years or even entered into in lieu of kobala".

The next is No. 428 of Mr. Iswar Chandra Mal in which he wants to substitute "25" for "15".

Then comes No. 432 of Mr. Md. Abul Fazl in which he wants to make the period 12 in place of 15 in the Bill.

Then comes the second part of Mr. Surendra Nath Biswas' amendment No. 468, in which he wants between the sub-clauses (*a*) and (*b*) of sub-clause (*5*) of the said clause 6 the following shall be added, namely:—

(*a1*) for the words "a complete" in clause (*a*) of sub-section (*4*) of section 26G of the said Act the words "any kind of" shall be substituted;

(*a2*) the word "or" appearing at the end of clause (*a*) and the entire clause (*b*) of the said sub-section (*4*) of section 26G of the said Act shall be omitted.

Then comes Mr. Biswas' amendment No. 467, in which he wants to substitute the words "any kind of" for the words "a complete" in the first line of section 26G.

Then comes the amendment No. 452 of Babu Upendra Nath Barman, which wants that in clause 6(*6*) in proposed section 26G (*5*) in line 12 for the words "from the date of the registration of the instrument" the

words "from the date on which Bengal Tenancy (Amendment) Act of 1928 came into force" be substituted.

Then comes No. 430 of Mr. Iswar Chandra Mal——

Mr. ISWAR CHANDRA MAL: Sir, I beg leave to withdraw amendments——

In sub-clause (*2*) of clause 6 of the Bengal Tenancy (Amendment) Bill, 1937, for the word "fifteen," the word "twenty-five" shall be substituted.

In paragraph (*b*) of sub-clause (*5*) of clause 6 of the Bengal Tenancy (Amendment) Bill, 1937, for the word "fifteen" the word "twenty-five" shall be substituted.

In sub-clause (*6*) of the Bengal Tenancy (Amendment) Bill, 1937—

(*a*) for the word "fifteen" in line 14, the word "twenty-five" shall be substituted.

(*b*) the words "or where there is no registered instrument, from the date of mortgagee's entry into possession" in line 15, and the words "or to a Revenue Officer" in line 21 shall be omitted.

(*c*) the words "or Revenue Officer" in line 38 shall be omitted.

The amendments were by leave of the House withdrawn.

Mr. SPEAKER: Then comes the amendment of Babu Upendra Nath Barman (No. 452), in which he wants that in clause 6(*6*) in proposed section 26G (*5*) in line 12 for the words "from the date of the registration of the instrument" the words "from the date on which the Bengal Tenancy (Amendment) Act of 1928 came into force" be substituted.

Then comes No. 453 moved by Mr. Barman, in which he wants to insert the words "or the transferee from the mortgagee's" after the word "mortgagee's" in line 15 of section 26G (*5*) in clause 6 (*6*).

The next (No. 454) is of Mr. Barman in which he wants to insert the words "whichever is later" after the word "possession" in line 15 of the said section.

Then come the amendments of Mr. Nishitha Nath Kundu, Nos. 426 and 427.

The following motions were then put and lost:—

That in clause (*5*) for the word, the figure and letter "And 26F" the word, figures and letters "26F and 26G" be substituted.

That at the end of sub-clause (*1*) of clause 6 of the Bill the words "beyond 15 years from the date of the mortgagee's entry into possession of the mortgaged land" shall be added.

That in clause 6 (2) in proposed sub-section (*1a*) of section 26G in line 8 after the word "mortgage" the following be inserted, namely:—

"excepting such usufructuary mortgages as are for a period of fifty years or over entered into in lieu of *kobala*".

That in clause 6 (2) in line 2 for the word "every" the word "no" be substituted and in lines 6 to 9 for the words beginning with "shall be deemed" and ending with "whichever is less" the following be substituted, namely:—

"shall be effective after 15 years from the date on which the Bengal Tenancy (Amendment) Act of 1928 came into force".

In clause 6(*6*) in proposed section 26G (*5*) in line 12 for the words "from the date of the registration of the instrument" the words "from the date on which Bengal Tenancy (Amendment) Act of 1928 came into force" be substituted.

In clause 6 (*6*) in proposed section 26G (*5*) in line 15 after the word "mortgagee's", the words "or the transferee from the mortgagee's" be inserted.

That in clause 6 in the proposed sub-section (2) (*1a*) of section 26G the words "fifteen years" shall be substituted by "twelve years."

That in section 6, clause (*5*), the last two lines, in paragraph 2 of the said clause (*5*) after the word "date" commencing with the words "Of the" till the end of the sentence, be substituted by the words "on which the mortgagee receives from the mortgagor or his duly authorised agent a notice of demand for delivery of possession by virtue of his rights under this Act", and the word "from" in line 10 of clause (*5*), paragraph 2, be substituted by the word "till."

That in section 6, clause (*6*), for the words "the mortgagor became entitled to be restored to possession" at the end of the clause (*6*), substitute the words "the mortgagee received from the mortgagor or his duly authorised agent a notice of demand for delivery of possession".

The following motions were, by leave of the House, withdrawn:—

That for the words "a complete" in the first line of section 26G of the said Act the words "any kind of" shall be substituted.

Between the sub-clauses (*a*) and (*b*) of sub-clause (*5*) of the said clause 6 the following shall be added, namely:—

(*a1*) for the words "a complete" in clause (*a*) of sub-section (*4*) of section 26G of the said Act the words "any kind of" shall be substituted;

(*a2*) the word "or" appearing at the end of clause (*a*) and the entire clause (*b*) of the said sub-section (*4*) of section 26G of the said Act shall be omitted.

That in clause 6 (*6*) in proposed section 26G (*5*) in line 15 after the word "possession" the words "whichever is later" be inserted.

Clause 6.

The question that clause 6 stands part of the Bill was put and agreed to.

Mr. SPEAKER: Before I take up the next item I should like to speak a word in connection with what Sir Bijoy has said about my ruling, viz., that it was entirely for the benefit of the landlord. It has a certain effect on the House. I should like to read to him the latter part of Mr. Sachse's speech to which he did not refer.

* * * * * *

"The provision is also for the benefit of the landlord, because it will mean that the *mahajan* except for a small loan will not be willing to take a usufructuary mortgage instead of buying the land straightway. Therefore there is less chance of the landlord being deprived of his *salami* by mortgages taking the place of sales to a large extent."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The main point that wanted to draw your attention to was——

Mr. SPEAKER: My point was that that section has a definite connection with the landlord's right regarding transfer and this reply of Mr. Sachse definitely supports that.

Clause 3.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I propose to move a short-notice amendment that section 26A of the said Act be hereby repealed. I do so because it is unnecessary now to have this section 26A.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. This motion is not in order, because there is a new section 26C.

Mr. SPEAKER: But section 26C is only an operating section and it provides that every transfer of a holding of an occupancy-raiyat or portion thereof shall remain.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It refers to occupancy-rights made after the 1st of April, 1929, so it is unnecessary now. It was only to point out that it referred to occupancy-raiyataris created after the 1st of April, 1929. Those sections have now been deleted, so I do not think it becomes necessary.

Rai HARENDRA NATH CHAUDHURI: The Hon'ble Minister has brought in a new section 26C instead of the old section. (A VOICE: And also section 26G.) How the new section goes?

Mr. C. MILLAR: Surely, Sir, this is a drafting amendment which could be indicated by the Secretary to the Assembly after the Bill has been passed. It is a purely consequential matter, and I do not think we need waste the time of this House over this matter.

Rai HARENDRA NATH CHAUDHURI: It is not a consequential matter. It vitally affects the section.

Mr. SPEAKER: I think you are forgetting one fact Mr. Chaudhuri, viz., that so long probably section 26A was necessary because in some of the sections there was no mention as to whom it was operating upon. Now in section 26C, which has been carried, it is said that it is operating upon the transfer of a holding of an occupancy-raiyat. So, that is why Mr. Biswas thinks it necessary.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Act came into operation from the 1st of February, 1929. So, I do not think it is any more necessary.

Mr. MANMATHA NATH ROY: Sir, is not clause 3 wholly of a consequential character? It does not change the law in any way. So that is only a consequential clause. Therefore, we need not discuss it on that ground.

Mr. SPEAKER: The Secretary cannot do it, as has been suggested by Mr. Millar, because the mover wants that section 26A be repealed.

Maulvi TAMIZUDDIN KHAN: So far as this question is concerned, I agree with Mr. Millar that this may be left over for the time being, as there is apprehension or rather misapprehension on the subject.

Mr. SPEAKER: Is that what Mr. Millar suggested? In any case, if the Hon'ble Minister wants to press his amendment, I cannot resist it and I shall then have to put it to the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I just want to explain that the operation of this section was necessary on the 1st of April, 1929, that is, with reference to occupancy-holdings. Now, that section is exhausted; it is no longer necessary; and that is why I have suggested this amendment.

Mr. SPEAKER: The question before the House is that for clause 3 the following be substituted, namely, "(3) section 26A of the said Act is hereby repealed."

The motion was put and agreed to.

The question that clause 3, as amended, stands part of the Bill, was then put and agreed to.

Clause 7.

Kumar SHIB SHEKHARESWAR ROY: Sir, I beg formally to move that in clause 7 the figures and letter "26H" be omitted.

The motion was put and lost.

The question that clause 7 stands part of the Bill was put and agreed to.

Clause 8.

Mr. SPEAKER: I think this amendment is out of scope.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I, too, am of that opinion.

Mr. SPEAKER: Yes, it is out of scope. I have gone through all these matters in clause 8 and find that amendments Nos. 485, 486, 487, 488 and 489-496 are beyond scope. I should be glad to hear the members concerned what they have to say on the point that these are out of order.

Mr. RASIK LAL BISWAS: We say, Sir, they are in order.

Mr. SPEAKER: Will you please explain how they are in order?

Mr. DHIRENDRA NATH DATTA: I beg to submit that amendments No. 489-496 are in order, because by this Bill a new section, viz., section 47A, is sought to be inserted, applying the provisions of chapter VII to under-raiyati tenancies created before or after the commencement of the Tenancy Act, 1928. It is a new section altogether, and by this new section the provisions of this chapter VII are sought to be introduced to apply to all under-raiyati tenancies created after the commencement of the Act of 1928, but the amendments that are sought to be moved by us want to say that the provisions of this chapter VII will apply except certain sections of chapter VII, viz., clauses (*a*), (*d*), and (*e*) of section 48C and section 48D. I beg to submit, Sir, that in this view they are certainly in order, because a new section is sought

to be introduced applying the provisions of this chapter VII to under-raiyati tenancies created after 1928. Now, Sir, according to our amendments I want to say that the provisions of this chapter will apply except clauses (*a*), (*d*) and (*e*) of section 48C. So, they come within the purview of this Bill, and accordingly my submission is that they are in order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to submit that what is sought to be conferred by this amending Bill is to give retrospective effect with regard to certain rights conferred under chapter VII on under-raiyats. That is the sole object of this amending Bill. Doubts were expressed in some of the High Court decisions as to whether these rights were conferred actually on under-raiyatanis created before 1928. Now, the amendments propose to confer further rights on under-raiyats which is not sought to be done in this Bill, that is why I submit that these amendments are entirely outside the scope of the Bill. My Bill only proposes to give retrospective effect to those rights which were conferred on a certain class of under-raiyats under chapter VII. That is all, Sir.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, let me read, in this connexion, the first paragraph of the Statement of Objects and Reasons. In that statement the Hon'ble Minister in charge states that some of the existing provisions of the Bengal Tenancy Act have been found to operate rather harshly on the cultivators. Here, I should like to point out that "cultivators" also include under-raiyats. Secondly, Sir, the object of the Bill, he says, is not to attempt a radical reform of the existing system of land tenure but to lessen the burden on the cultivator by making such amendments to the law as appear to be most urgently required. Sir, I shall point out that my amendment is practically intended to lessen the burden on the cultivator. Thirdly, he says that among the leading provisions of the Bill will be found certain items for the improvement of the condition of the cultivators. Apparently, the Hon'ble Minister has not exhausted all possible items, but has touched only some important items for lessening the burden of the cultivators and reducing their hardship. Sir, an under-raiyat is certainly a cultivator, and he is suffering from many hardships, and my amendment is intended to lessen some of those hardships. The under-raiyat is the real tiller of the soil, but the under-raiyat is under sub-section (*a*) of section 48C liable to ejectment on the ground that he has failed to pay an arrear of rent. The honourable member in charge and his supporters—I mean the members of the Coalition Group —have been crying hoarse——

Mr. SPEAKER: Mr. Biswas, I think it is not necessary, in explaining the scope of your amendment, to make any reference to the Coalition Group or to any other group or party for that matter.

Mr. SURENDRA NATH BISWAS: All right, Sir, I am sorry. If they really intend to benefit the tiller of the soil, they should see that the status of the under-raiyat is improved and his position made secure. Under the present law, he is liable to ejectment on the ground that he has failed to pay an arrear of rent. That is, no doubt, a great hardship on him.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I submit, Sir, the question of hardship does not arise here.

Mr. SPEAKER: Well, Sir Bijoy let him finish.

Mr. SURENDRA NATH BISWAS: I beg to submit that an under-raiyat should not be allowed to be ejected on the simple ground that he has failed to pay an arrear of rent for one year. The raiyat can realize arrears of rent from the under-raiyat by suing him, just as his landlord realizes arrear rent from him by suit. (Cries of "No no.) By crying "no" do the members on the opposite desire that an under-raiyats' tenancy should be terminated by his landlord by one year's notice expiring at the end of the agricultural year? Is it their intention that the tiller of the soil should be ejected by one year's notice? Sir, the under-raiyat who has certainly put in money and labour on the development of his holding——

Mr. SPEAKER: Mr. Biswas, you need not enter into points of law in this connexion.

Mr. SURENDRA NATH BISWAS: All right, Sir. As I had been saying, the under-raiyat's hardships are many, and my amendment is intended to remove some of these hardships, to do which is also one of the objects of the amending Bill; and I would submit, Sir, that, according to your ruling, the amendment comes within the purview of this Bill.

Mr. SPEAKER: Mr. Biswas, I want you to explain to me how your amendment is relevant to clause 8; whether it is within the Bill or not, is not the matter to be decided at the present moment?

Mr. SURENDRA NATH BISWAS: Sir, I bg to submit that clause 8 is the only clause under which my amendment can come, and I cannot achieve my object unless I can put in an amendment to this clause, because I do not find any other clause in the present Bill under which it can come. The Hon'ble Minister in charge has stated that all the provisions of this chapter shall apply to under-raiyats, i.e., all these

provisions shall be the incidents of under-raiyati holdings. That is the meaning of clause 8, but by my amendment I propose that out of those provisions some, namely, clauses (*a*), (*d*) and (*e*), shall not apply.

Mr. SPEAKER: I think, Mr. Biswas, it is not necessary to dilate any more on the question of the admissibility of this amendment, because it is for me to decide whether this amendment is admissible or not. I do not agree with the Hon'ble Minister in charge that it is altogether beside the scope of the Bill to deal with under-raiyati tenancies created before the commencement of the Act of 1928. I entirely agree with him that in so far as the under-raiyat created after 1928 is concerned, it is not admissible. I think if the members like to deal with that class of tenants who were created before 1928, it is open to them to do so at the proper time and under proper section. I am here to see whether these are relavant to clause 8. Clause 8 deals with under-raiyat created before 1928 and not the under-raiyat created after 1928. All these amendments refer not only to the under-raiyats created before 1928, but also to those created after 1928. I hold definitely that while these would have been quite admissible provided they were only applicable to under-raiyats created before 1928, they are not applicable to under-raiyats created after 1928. In the present form they are out of order.

A member: With regard to amendment to clause 6 you say they are in order. There also the Hon'ble Revenue Minister suggested that the clause should have retrospective effect.

Mr. SPEAKER: In view of the fact that the amendments embrace two classes of tenancy, viz., under-raiyats created before and after 1928; so they are not in order here, but if the members bring in their amendments in their proper places and in suitable manner, it would be possible for me to consider on their merits whether they were admissible or not. I hold that the amendments Nos. 487-496 are out of order.

Mr. SPEAKER: The question before the House is that clause 8 stands part of the Bill.

The motion was then put and agreed to.

Clause 9.

Maulvi ABU HOSSAIN SARKAR: I beg to move that in clause 9 in third line the words "sections 48B or 48D or" shall be omitted.

Mr. SURENDRA NATH BISWAS: I beg to move that in third line of clause 9 the words, letters and figures "Section 48B or 48D" and "as the case may be" be deleted.

Section 48B says "the money rent of an under-raiyat may be enhanced by a written registered contract". I need not repeat the whole section. Section 48D refers to enhancement of rent of an under-raiyat by suit. These two sections refer to enhancement of rent of the under-raiyat. The object of my amendment is to repeal these two sections. The effect of this would be that the money rent of the under-raiyat would not be liable to enhancement. As we have taken for granted that the under-raiyat is the real tiller of the soil, his rent should not be enhanced under any circumstances. But I find that the Hon'ble Minister in charge does not care to give any relief to the under-raiyat. On the other hand, the Hon'ble Minister has deprived the under-raiyat of some more rights by clause 13. I hope that every member of the house will agree with me that some rights and privileges should be given to the under-raiyats if we want to do any good to the tillers of the soil. With these words I commend my amendment to the acceptance of the House.

Maulvi ABDUL BARI: There is some misapprehension in the clause itself, because so far as the amending Bill is concerned sections 48B and 48D deal with enhancement of rent, whereas section 48G has no connection with enhancement. Every under-raiyat created before 1928 shall have the right of occupancy. I hope the Hon'ble Minister will kindly consider this.

Mr. SPEAKER: Have you seen section 48G(2) and considered its implication?

Maulvi ABDUL BARI: That also does not deal with enhancement.

Mr. SPEAKER: What about chapter XIV? I think you had better leave the drafting to Government: otherwise it will lead to utter confusion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I had occasion to explain, my Bill is not a comprehensive one. I submitted at the very opening of this debate that Government propose to bring in a very comprehensive Bill after the proposed Commission of Enquiry has submitted its report. The object of my present Bill is to give immediate relief to the agriculturists with regard to some of their pressing grievances, and it is not the idea to overhaul the whole Bengal Tenancy Act by this short amending Bill. The question of under-raiyats will be, I hope, fully dealt with in a more comprehensive Bill which Government hope to introduce in this House after they have received report of the proposed Commission of Enquiry.

Mr. SPEAKER: I think it will do if I put Mr. Surendra Nath Biswas' amendment, because others come within it.

The question before the House is the amendment of Mr. Surendra Nath Biswas that in third line of clause 9 of the words, letters and figures "section 48B or 48D" and "as the case may be" be deleted.

The motion was then put and a division taken with the following result:—

AYES.

Abdul Hakim, Maulvi.
Abdul Jabbar Paiwan, Mr. Md.
Abdul Karim, Mr.
Abdul Wahab Khan, Mr.
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Emdadul Haque, Kazi.
Fazlur Rahman Muktear, Mr.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Idris Ahmed Mia, Mr.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Masud Ali Khan Panni, Maulvi.
Muhammad Ibrahim, Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Mustagaswai Haque, Mr. Syed.
Nasker, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Kumar Shib Shekhareswar
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Roy, Rai Bahadur Kshirod Chandra.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sarkar, Babu Madhusudan.
Sen, Babu Nagendra Nath.
Serajul Islam, Mr.
Shahedali, Mr.
Shamsuddin Ahmed Khandkar, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Tamizuddin Khan, Maulvi.
Thakur, Mr. Pramatha Ranjan.
Yusuf Ali Choudhury, Mr.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Kader, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain, Mr. Ahmed.
Aftab Hosain Joardar, Maulvi.
Ahmad Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.

Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Biswas, Babu Lakshmi Narayan.
Das, Mr. Anukul Chandra.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Giasuddin Ahmad Choudhury, Mr.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatamally Jamadar, Khan Sahib.
Jaleluddin Ahmad, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yousuf Mirza.

The Ayes being 72 and the Noes 86 the motion was lost.

The motion that clause 9 stands part of the Bill was then put and agreed to.

Clause 10.

Rai HARENDRA NATH CHAUDHURI: May I make a submission, Sir. The other day your ruling was that to come to a decision whether an amendment is in order or out of order we must consider things—the Statement of Objects and Reasons, the Preamble to the Bill and also the clauses. Statement of Objects and Reasons is certainly in my favour because there it is stated——

Mr. SPEAKER: I hope you will agree with me that section 48B has been touched by mere drafting and it is a pure drafting matter.

The question before the House is that clause 10 stands part of the Bill.

The motion was then put and agreed to.

Adjournment.

The House then adjourned till 3 p.m. on Thursday, the 23rd September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 23rd September, 1937, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 212 members.

STARRED QUESTIONS

(to which oral answers were given)

Pay of Chaukidar.

***237. Mr. JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for the rural areas of the 24-Parganas district—

(*i*) the pay received by a *chaukidar* during the last year; and

(*ii*) the number of *chaukidars* including *dafadars* who worked as such last year?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*i*) A statement is laid on the table.

(*ii*) 1,038.

Statement referred to in the answer to clause (i) of starred question No. 237, showing the pay received by a chaukidar during the year 1343 B.S. in the rural areas of the 24-Parganas.

DISTRICT 24-PARGANAS.

1. Sadar subdivision—

74 Unions at Rs. 5 per month for each *chaukidar*.

10 Unions at Rs. 6 per month for each *chaukidar*.

1 Union at Rs. 7 per month for each *chaukidar*.

2. Baraset subdivision—

1 Union at Rs. 5-8 per month for each *chaukidar.*
28 Unions at Rs. 6 per month for each *chaukidar.*
3 Unions at Rs. 6-8 per month for each *chaukidar.*
15 Unions at Rs. 7 per month for each *chaukidar.*
1 Union at Rs. 8 per month for each *chaukidar.*

3. Barrackpore subdivision—

1 Union at Rs. 6 per month for each *chaukidar.*
7 Unions at Rs. 7 per month for each *chaukidar.*

4. Diamond Harbour subdivision—

73 Unions at Rs. 5 per month for each *chaukidar.*

5. Basirhat subdivision—

13 Unions at Rs. 6 per month for each *chaukidar.*
38 Unions at Rs. 5 per month for each *chaukidar.*

National School Building at Contai.

*238. **Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) why and how long the National School Building at Contai in the district of Midnapore has been kept in police custody;

(*ii*) whether it is a fact that no student of the Contai National School has been convicted for terrorist activities;

(*iii*) whether it is a fact that during police occupation the major portion of the school building has fallen down; and

(*iv*) why the Government do not undertake repairs to the said building?

(*b*) Who will be responsible for the damages done to the said National School building?

(*c*) Who will pay the rent for the period the police has been living in the said building?

(*d*) Do the Government consider the desirability of restoring the said building to its proper authorities?

(*e*) What action, if any, has been taken against any high English school under the Calcutta University or under the Board of Intermediate and Secondary Education, Dacca, some students of which have been convicted for terrorist activities?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) In October, 1933, the school was declared an unlawful association as it had for its object interference with the maintenance of law and order and constituted a danger to the public peace. The building has been in police custody since October, 1933.

(*ii*) and (*iii*) No.

(*iv*) Repairs have been effected as necessary.

(*b*) and (*c*) Do not arise.

(*d*) It is not proposed to restore the building unless the proper authorities undertake to use it for some approved public purpose other than that for which it had to be declared an unlawful association.

(*e*) The following action was taken against the Midnapore Hindu School. The authorities of the school were warned by the Calcutta University that they must maintain strict discipline in the school. But as this had no salutary effect, all scholarship rights were withdrawn from this school by Government, and its students were excluded from Government service. The school was finally closed down with effect from 1st January, 1934, in pursuance of a resolution adopted by its Managing Committee.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the approved public purposes other than those for which a school can be declared an unlawful association?

The Hon'ble Khwaja Sir NAZIMUDDIN: The District Magistrate has informed the authorities what he considers to be approved public purposes.

Dr. NALINAKSHA SANYAL: With reference to answer (*ii*), where it is stated that no student was convicted for terroristic activities, will the Hon'ble Minister be pleased to state on what other apprehension this school has been declared an unlawful association?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe there may have been some detenus.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that the school building has not been kept under repairs, contrary to what is mentioned in (*iv*) and practically left to deteriorate in a hopeless condition?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have already answered this question.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to inform us whether the circumstances under which the National School was declared an unlawful association still exist?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add to what I have already stated on the subject.

Students of the old scheme madrasahs.

***239. Maulana MUHAMMAD ABDUL AZIZ:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the students of the old scheme madrasahs appearing at the Alim or Fazil Examination under the Board of the Central Madrasah Examinations, Bengal, are required to receive sixty per cent. of their marks to place their names in the first division and forty-five per cent. of their marks to place their names in the second division and thirty-six per cent. of their marks to place their names in the third division?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state why there is such a difference between the Old Scheme Madrasah Department and the General Secondary Institutions?

(*c*) Are the Government considering the desirability of taking steps to stop such a difference?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) There is so great a difference between the courses of study followed in old scheme madrasahs and in General Secondary Institutions, that any comparison between these two classes of institution in respect of the standard of examination is impossible.

(*c*) In view of the reply to clause (*b*), this question does not arise.

Mr. Dharani Kanta Goswami of Meerut Conspiracy case.

***240. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether Mr. Dharani Kanta Goswami, who was prosecuted and sentenced in the Meerut Communist Conspiracy case (1929-1933), is still being kept in detention in the Deoli Detention Camp under sub-section (*1*) of section 2 of the Bengal Criminal Law Amendment Act, 1930?

(*b*) Is it a fact that the decision of the two eminent High Court Judges of India was that Mr. Dharani Kanta Goswami was a Communist and accordingly sentenced him for activities carried on by him in furtherance of his political convictions as a Communist?

(c) Will the Hon'ble Minister be pleased to state whether he possesses sufficient proof to the effect that the said Mr. Goswami had turned a terrorist during the seven months' time which he had at his disposal after the completion of the sentence passed on him in the Meerut Communist Conspiracy case and before his arrest and detention under sub-section (1) of section 2 of the Bengal Criminal Law Amendment Act, 1930?

(d) If the answer to (b) is in the affirmative, and that to (c) is in the negative, will the Hon'ble Minister be pleased to state the reasons why the Bengal Criminal Law Amendment Act, 1930, has been applied in the case of the said Mr. Goswami?

(e) Will the Hon'ble Minister be pleased to state whether he is considering the desirability of ordering his immediate release? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) He was recently convicted of an offence punishable under the Prisons Act, committed while he was a detenu in Deoli Jail.

(b) The Judges found him guilty of the offence punishable under section 121A of the Indian Penal Code.

(c) I do not admit the implication that he did not become a terrorist until after his release.

(d) Government were satisfied that there was lawful and sufficient cause for an order under section 2 (1) of the Act, to the provisions of which the attention of the hon'ble member is invited.

(e) The hon'ble member is referred to the statement made by me in the House on the 9th of August regarding the release of detenus.

Members of the Central Text-Book Committee.

***241. Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) the total number of members of the Central Text-Book Committee, Calcutta;

(ii) the number of Muslim, Hindu and Christian members;

(iii) the number of members from among the teachers of the secondary schools of Bengal; and

(iv) whether he considers the number of members from among the teachers of the secondary schools of Bengal as inadequate?

(b) If the answer to clause (d) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the

desirability of selecting 75 per cent. of the members of the Text-Book Committee from among the teachers?

(*c*) Is it a fact that many of the members of the Text-Book Committee are not educationists or of the Education Department?

(*d*) If the answer to clause (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of bringing a change in the appointment of members?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Thirty-six (including the President and the Secretary).

(*ii*) Sixteen Muslims, fifteen Hindus (including one from the Backward community) and five Christians.

(*iii*) Seven. (Also eleven from Colleges and Universities).

(*iv*) No.

(*b*) Does not arise.

(*c*) No. Only six members, some of whom represent special interests, are not directly connected with educational institutions.

(*d*) Does not arise.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*a*) (*2*), will the Hon'ble Minister be pleased to state what is meant by the expression "backward community"?

The Hon'ble Mr. A. K. FAZLUL HUQ: It means the scheduled castes and it has been erroneously used by the Secretariat.

Dr. NALINAKSHA SANYAL: Will the Hon'ble the Chief Minister be pleased to state whether he is aware that there are some members of the Text Book Committee who are not even graduates of universities either of Calcutta or elsewhere and who are not in any way connected with any educational activities or cannot be considered as literary men?

The Hon'ble Mr. A. K. FAZLUL HUQ: As far as I am aware there is none who is not a graduate. As regards the other portion, the answer is already given in my answer on the printed paper.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that many text books which have

been recommended by this Committee contain numerous mistakes of facts, both historical facts and scientific facts concerning geography and other subjects?

The Hon'ble Mr. A. K. FAZLUL HUQ: There have been some comments in the newspapers and the matter is under consideration.

Platform at the Dinajpur railway station for Ruhea Branch line trains.

***242. Maulvi ABDUL JABBAR:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that—

(*i*) there is no platform at the Dinajpur railway station on the Eastern Bengal Railway for the Ruhea Branch line trains;

(*ii*) that the want of a platform is causing great inconvenience to the passengers; and

(*iii*) that in the absence of an over-bridge the passengers have to cross line No. 1, for getting into a Ruhea train on line No. 2?

(*b*) Is the Hon'ble Minister considering the desirability of urging upon the Railway authorities to take up constructing an over-bridge and a platform at the Dinajpur station for the convenience and safety of the Ruhea line passengers?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) (*i*) Yes.

(*ii*) Yes, some inconvenience is felt.

(*iii*) Yes.

(*b*) The construction of another platform for the Ruhea trains is not possible without remodelling the Dinajpur station yard which would be unduly expensive.

As regards the over-bridge, I am consulting the Railway authorities.

Mr. NISITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether there is any proposal for taking up the question of remodelling the station yard at an early date, and if so, when?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: As I have already stated, the remodelling of the station yard would be unduly expensive; so there is no chance of its being taken up in the near future.

Disposal of the feeble-minded children and adults, coming to or sent to courts.

***243. Mr. DEBI PROSAD KHAITAN:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) what arrangements are being made for the disposal of the feeble-minded children and adults, coming to or sent to courts and either convicted or acquitted by them;

(*ii*) whether the department is prepared to issue a circular to all Magistrates and Judges in the province so that they may send all feeble-minded persons, coming before and dealt with by them, to Bodhana Samiti for custody, care and control;

(*iii*) whether the department is prepared to make special capitation grants to the Bodhana Samiti in respect of all such children and adults sent to the Samiti under courts' order; and

(*iv*) whether special grants can be made to this Samiti so that the Samiti may have its own arrangements for the housing and segregation of the delinquent feeble-minded?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) to (*iv*) Suggestions on these matters have recently been received through the Chief Presidency Magistrate, Calcutta, from the Founder-Secretary of the Bodhana Samiti and are now under the consideration of Government.

Ban on Congress Committees in Midnapore.

***244. Mr. DEBENDRA LALL KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether he—

(*i*) proposes to remove the ban on the various Congress Committees in the district of Midnapore; and

(*ii*) intends to act in pursuance of the popular opinion expressed by the return of all the Congress candidates except one in the district of Midnapore in the last Assembly elections?

(*b*) Is it a fact that public lands or buildings in Midnapore town are not sufficient for accommodation of the police force posted there?

(*c*) Is he aware that many houses fit for being used for police accommodation or police quarters are lying vacant in the town and their owners are anxious to get them rented?

(*d*) How many persons in the district of Midnapore have been ordered by the Government to vacate their own houses where they themselves used to reside with their families in exercise of the powers vested in the Government by section 4 of the Bengal Suppression of Terrorist Outrages Act?

(*e*) Were such orders passed because no other houses were available or for some other reason?

(*f*) Is he aware that there were many vacant houses available, which could have been rented by the Government if the Government so desired?

(*g*) Did the Government make any provision for the suitable accommodation of the persons with their families thus driven out from their houses?

(*h*) What time was allowed to those persons for vacating their houses?

(*i*) Do the Government consider it still necessary to keep those houses in its occupation by keeping the resident owners dispossessed of the same for an indefinite period?

(*j*) When do the Government propose to vacate those houses?

(*k*) How many such houses are still in the occupation of the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Attention is invited to the reply which I gave on the 11th September to (*b*) and (*c*) of Dr. G. C. Bhawmik's starred question No. 132.

(*b*) Yes.

(*c*) Not in the locality in which a detachment of the police force had to be posted.

(*d*) One.

(*e*) Because no other house was available in the locality in which the police force had to be posted.

(*f*) and (*g*) No.

(*h*) 48 hours.

(*i*) to (*k*) The question of release of the house is under consideration.

Babu NAGENDRA NATH SEN: With reference to answer (*h*), will the Hon'ble Minister be pleased to state whether he considers 48 hours to be sufficient time to enable a person with family to vacate from one house to another when there is a large number of houses available in the vicinity?

The Hon'ble Khwaja Sir NAZIMUDDIN: This occurred long ago and a large number of house were not available then.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this Government propose to depart from the policy followed by the previous Government in this respect?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a hypothetical question. Government will announce their policy when the actual situation will arise.

Dr. NALINAKSHA SANYAL: I submit that my question arises out of the question, so it is a pertinent question.

Mr. SPEAKER: When the occasion will arise the Hon'ble Minister will deal with it.

Riots and loot at Chittagong after Inspector Ahsanullah's assassination in 1931.

***245. Maulana MD. MANIRUZZAMAN ISLAMABADI and Khan Sahib Maulana AHMED ALI ENAYETPURI:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that riots and loot at Chittagong followed the assassination of Inspector Ahsanullah in 1931; but

(*ii*) that thereafter a new policy has been adopted removing Muslim officers from the District Intelligence Branch, General Police, and other important posts in the Police and Executive and replacing them by Hindu officers?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor and for the gradual removal of all Muslim inspectors of police from the Chittagong headquarters?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) Does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state the number of Muslim officers in the District Intelligence Branch at Chittagong prior to the assassination of Inspector Asanulla?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased t state the number of Muslim officers in the District Intelligence Branc now at Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN: I again ask for notice

"Birendra Kutir Kishore Sangha" at Palong, Faridpur.

***246. Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'bl Minister in charge of the Home (Special) Department be pleased t state whether he is aware—

(*i*) that there was an institution named "Birendra Kutir Kishor Sangha" at Palong in the district of Faridpur;

(*ii*) that there was a Library and a homœopathic charitable dis pensary attached to the institution;

(*iii*) that the said institution was closed by the Government unde section 16 of the Indian Criminal Law Amendment Act, i the month of January, 1932;

(*iv*) that even after the withdrawal of the said Ordinance, the sai institution was kept closed, and one of its office-bearer applied to the Political Secretary on the 7th March, 1933 for vacating the order of the said closure;

(*v*) that the said order was not vacated in spite of repeated requests and the house where the institution was located was blow away by storm, and the books, numbering about 3,000, wer partly damaged and partly exposed to rain and storm, an the medicine entirely spoilt; and

(*vi*) that in spite of the requests of the authorities of the said institu tion to be allowed to have custody of the undamaged books the local police removed the same to the local thana an from there distributed those books to several school librarie of the neighbouring villages, namely, Tulashar, Dhanuka Rudrukar, Palong and Domesha?

(*b*) If the answers to clause (*a*) are in the affirmative, will th Hon'ble Minister be pleased to state whether he is considering th desirability of taking steps against the police officers who were respons ible for such actions?

(*c*) Is the Hon'ble Minister considering the desirability of having an open enquiry made into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) to (*iii*) Yes.

(*iv*) The institution was declared unlawful under section 16 of th Indian Criminal Law Amendment Act, 1908 (XIV of 1908). Th notification has not yet been withdrawn. A letter, dated the 5t

March, 1933, addressed to the Political Secretary to the Government of Bengal, was received from Babu Phani Bhusan Sen.

(*v*) Only two petitions were received. The order was not vacated; the books found by the police were about 1,000 in number and were taken to the thana for safe keeping. The dispensary is still in existence under another name.

(*vi*) It is true that the local police distributed the books save for a few objectionable ones. As the institution ceased to exist after it was banned it was considered desirable that the books should be put to some good use.

(*b*) and (*c*) No.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state why books were not returned to the Secretary when he applied for the return of the same and the books were distributed to other schools?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because the institution ceased to exist.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether there was any bar to return the books which were not found objectionable to the Secretary?

The Hon'ble Khwaja Sir NAZIMUDDIN: As the institution ceased to exist the Secretary had no official existence.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that the gentleman who submitted two petitions to the Political Secretary was a responsible person of the locality? Will he also state the reason why instead of returning the unobjectionable books to the Secretary they were distributed to other schools?

The Hon'ble Khwaja Sir NAZIMUDDIN: Instead of giving it to an individual, the local authorities considered it more useful to give the books to other institutions.

Mr. SURENDRA NATH BISWAS: Was it legal on the part of the police to distribute the books to other schools?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. BIRENDRA NATH MAJUMDAR: Under what plea have Government forfeited those books?

The Hon'ble Khwaja Sir NAZIMUDDIN: I refer the hon'ble member to the portion of the Act under which action was taken.

Mr. BIRENDRA NATH MAJUMDAR: I want to know whether Government forfeited the books or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: The books were forfeited and that was done legally.

Deputy Commissioners, Assistant Commissioners, Inspectors and Sub-Inspectors in the Calcutta Police.

***247. Mr. A. M. ABDUL HAMID:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state, separately, the total number of Deputy Commissioners, Assistant Commissioners, Inspectors and Sub-Inspectors in the Calcutta Police and the number of Mussalmans in each rank?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) on what basis recruitments in these ranks are made; and

(*ii*) whether it is desirable to fix a proportion for the recruitment of Mussalmans in these ranks?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) (*i*) All the Deputy Commissioners are recruited from among the members of the Indian Police. One of them is a promoted Assistant Commissioner holding a listed appointment in the Indian Police. Vacancies in the rank of Assistant Commissioner and Inspector are filled wholly by promotion. Sub-Inspectors are partly recruited direct and partly by promotion from lower rank. They are recruited in such a way as to ensure that a minimum of one-third of the total number of vacancies is filled by Muhammadans.

(*ii*) No, so far as promotions are concerned.

Statement referred to in the answer to clause (*a*) *of starred question No. 247.*

Ranks.	Total.		Musalmans.
Deputy Commissioners ..	7		Nil
Assistant Commissioners ..	10		2
Inspectors ..	64	Non-Investigating 27 ..	Nil
		Investigating 37 ..	9
Sub-inspectors ..	116		38

Maulvi ABDUL LATIF BISWAS: Has a post of Deputy Commissioner of Police fallen vacant?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that there is a high feeling amongst the Muslims for paucity of Muhammadan officers in the Calcutta Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question has been mentioned in this House for more than once.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister consider the desirability of appointing a Muslim member of the Indian Police to the post of Deputy Commissioner of Police when a vacancy occurs?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already drawn attention of the members of this House to the fact that Deputy Commissioners are recruited from the Indian Police Service and that the question of their postings to Calcutta is a departmental question.

Scheme for school hygiene work in Bengal.

***248. Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether there is any scheme under consideration for school hygiene work in Bengal outside Calcutta;

(*b*) if so, what is the scheme; and

(*c*) when is it intended to give effect to the scheme?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The scheme submitted by the Director of Public Instruction, Bengal, contemplates medical examination and supervision of pupils in the seven high English schools at Jessore, Khulna, Murshidabad, Krishnagar, Barasat, Barrackpore and Taki at a cost of Rs. 260 non-recurring and Rs. 2,520 recurring.

(*c*) As soon as the scheme has been examined and funds become available for it.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state why the scheme is restricted to only 7 high schools when there are so many schools in the province?

The Hon'ble Mr. A. K. FAZLUL HUQ: All these things were taken up by the late Government and we have not been able to extend the operation so far.

Maulvi TAMIZUDDIN KHAN: Is it the intention of Government to extend the scheme to the whole of the province?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would refer the member to answer (*c*).

Constitution of the Haipur Union Board, Contai.

***249. Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether the Government have received any representation regarding the constitution of the Haipur Union Board in the police-station Contai;

(*ii*) whether any local enquiry has been made into those allegations;

(*iii*) if so, by whom;

(*iv*) whether the signatories to the representation are the inhabitants of the said Haipur Union and the allegations therein are against the Circle Officer, Contai, and Ramnagore circle; and

(*v*) whether the Government are considering the desirability of holding an election of members to the said Haipur Union Board as prayed for?

(*b*) Is the Hon'ble Minister considering the desirability of laying on the table a copy of the report of enquiry, if any, held into the allegations made by the inhabitants of the said Haipur Union?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) (*i*) Yes.

(*a*) (*ii*) to (*iv*) and (*b*) A local enquiry was made by the Circle Officer, Contai. A report of his enquiry is laid on the table. It will be observed that during the enquiry many of the alleged signatories denied having signed the petition. As regards the complaint made in the petition that no officer had visited the union for recording the poll, it will be seen from the report of the Circle Officer that it was not necessary for him to visit the union for this purpose as the number of candidates not having exceeded the number of vacancies, no polling was necessary.

(*a*) (*v*) No.

Scheduled caste members returned to the District Board, Local Boards and Municipalities in Mymensingh.

*250. **Mr. MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether any member belonging to the scheduled castes has been returned to the District Board, Local Boards and municipalities within the district of Mymensingh in the last elections of those local bodies?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to place on the table a list showing separately the number of such members in each of those local bodies?

(*c*) If the answer to clause (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether any member of the scheduled castes has been appointed by Government in each of those local bodies?

(*d*) If the answer to clause (*c*) is in the negative, will the Hon'ble Minster be pleased to state the reason for not appointing members from the scheduled castes in each of the local bodies in question?

(*e*) Is it a fact that it is not the policy of the Government to appoint members from scheduled castes in the local bodies where they fail to be returned to those bodies in general elections?

(*f*) Is the Government contemplating to fix a proportion of appointments to local bodies on population basis for scheduled castes?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) to (*c*) One member of the scheduled castes was elected to the Jamalpur Local Board. Two members of the scheduled castes were nominated by Government, one to the Tangail Local Board and the other to the Mymensingh District Board.

(*d*) Does not arise.

(*e*) No. On the other hand Government have issued a circular directing that the claims of the depressed classes to representation to local bodies should be duly taken into account in considering nominations to those bodies.

(*f*) The whole question of the constitution of local bodies is under my consideration.

Number of union board dispensaries in Jessore.

*251. **Khan Sahib Maulana AHMED ALI ENAYETPURI:** Will the Hon'ble Minister in charge of the Local Self-Government and Public Health Department be pleased to state how many Union Board dispensaries are in the Jessore district and how many of them are in each

subdivision of Jessore, and what are the names of those Union Boards where the dispensaries in question exist?

The Hon'ble Maulvi SYED NAUSHER ALI: A statement is laid on the table which furnishes the information asked for.

Statement referred to in the answer to starred question No. 251.

DISTRICT JESSORE.

Number of union board dispensaries in each subdivision.	Name of subdivision in which situated.	Place where the dispensary is situated.	
		Name of village.	Name of union board.
1	Sadar ..	Bagherpara ..	Bagherpara.
4	Magura ..	Hajipur ..	Hajipur.
		Benodepur ..	Benodepur.
		Nahata ..	Nahata.
		Muhammadpur ..	Muhammadpur.
11	Bongaon ..	Ganganandapur ..	Ganganandapur.
		Malipota ..	Malipota.
		Narayanpur ..	Narayanpur.
		Jadabpur ..	Jadabpur.
		Sarsha ..	Sarsha.
		Lakshmanpur ..	Lakshmanpur.
		Shamanta ..	Baganchra.
		Boyra ..	Boyra.
		Ganrapota ..	Ganrapota.
		Khalishpur ..	Bozrapur.
		Shukpukuria	Shukpukuria.
3	Jhenida ..	Kancherkole ..	Kancherkole.
		Shibnagar ..	Kaliganj.
		Balarampur ..	Nagarchaprail.

Meeting of Local Board in Gopalganj subdivision.

*252. **Mr. SHAMSUDDIN AHMED KHANDKAR:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that Mr. K. L. Banerjee, Subdivisional Officer of Gopalganj, without any authority under the Local Self-Government Act convened the first meeting of the reconstituted local

board of that subdivision for the election of the Chairman and Vice-Chairman in February, 1936, on a very short notice but was ultimately postponed just before a few minutes of the meeting by a wire received from the District Magistrate?

(*b*) Is it a fact that travelling allowance to members who came to attend the said meeting have been paid from the funds of the Local Board? -

(*c*) Will the Hon'ble Minister consider the desirability of asking for a refund of the amount from the said Subdivisional Officer to the Local Board fund?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) and (*b*) Yes.

(*c*) No, as the Subdivisional Officer appears to have acted under a *bona fide* misapprehension.

Mr. SHAMSUDDIN AHMED KHANDKAR: Will the Hon'ble Minister be pleased to state if a copy of the Local Self-Government Act was available in the Subdivisional Magistrate's office on that date?

The Hon'ble Maulvi SYED NAUSHER ALI: That is more than what I can say.

Deputation by the Muslim leaders of Chittagong.

***253. Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware—

(*i*) that the Muslim leaders of Chittagong made various attempts from 1933 to 1935 to wait on deputations on the district and divisional authorities and on the Deputy Inspector-General and Inspector-General of Police to represent their grievances about the repressive policy against the Mussalmans but no reply even was given to their letters;

(*ii*) that in April, 1935, the Islam Association of Chittagong sent representations to His Excellency the Governor through Khan Bahadur M. A. Momen, M.L.C., sending copies of the same to the then Muslim Members of the Cabinet and subsequently the Islam Association and the Chittagong District Muslim League sent joint representations to Government and on the 30th August, 1935, a huge mass meeting of the Mussalmans held in the Muslim Hall sent resolutions to Government (published in the *Star of India*, dated the 4th September, 1935) in all of which grave discontent of the Mussalmans was expressed at the repressive policy against Mussalmans; and

(*iii*) that on the 25th September, 1935, Mr. H. S. Suhrawardy, the then member of the Legislative Council (the present Hon'ble Minister) being approached by the Muslim leaders of Chittagong sent a very strong letter of about 50 pages to the Hon'ble Sir R. N. Reid, Home Member (the present Governor of Assam), sending copies of the same to the then Muslim Members of the Cabinet severely criticising the repressive policy against Muslims to placate the terrorists?

(*b*) Will the Hon'ble Minister be pleased to lay on the table the representations of the Islam Association and the District Muslim League, Chittagong, the resolutions of the mass meeting of the Muslims of Chittagong and the letter of Mr. H. S. Suhrawardy and state what actions, if any, were taken by Government on those representations?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) I have no information.

(*ii*) and (*iii*) There is no record of the receipt of such representations or letters in the Home Department.

(*b*) Does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is a practice to keep record of all representations received from responsible public men?

The Hon'ble Khwaja Sir NAZIMUDDIN: It all depended on whether those records were given to the then Hon'ble Member in his personal capacity, or as Member of Government.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether while taking over charge of the department he had all the papers regarding this department from the outgoing Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, those addressed to the Government but not those addressed to Sir Robert Reid.

Salkia Transport Agency on the Howrah Bally Khal Bus Route.

***254. Messrs. SUKUMAR DUTT and SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether—

(*i*) a monopoly has been given to the Salkia Transport Agency by the licensing authority on the Howrah Bally *Khal* Bus Route (No. 54);

(*ii*) other companies were plying on this route before the grant of the monopoly;

(*iii*) of the 25 buses licensed, the Salkia Transport Agency maintains only 15 or 16 buses much to the inconvenience of local passengers, particularly during office hours;

(*iv*) seats for female passengers are provided by the side of the driver in their buses; and

(*v*) Mr. Ananda Gopal Mukherji, B.L., Chairman of the Bally Municipality, represented the matter to the licensing authorities without any effect?

(*b*) Will the Hon'ble Minister be pleased to state whether cars of higher officials are repaired in the garage of the Salkia Transport Agency and the police use the buses of the Agency free of cost for public and private purposes such as when going to search houses or carrying marriage parties of police officials?

(*c*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the licensing authorities will be prepared to issue licences to other suitable parties owning buses to ply on Bally *Khal* route?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) No.

(*ii*) Yes. But other owners have either sold their buses to the Salkia Transport Agency or have got them transferred to other routes.

(*iii*) The Agency maintains a fleet of 23 buses on this route of which only 16 to 20 ply at a time. The remaining buses serve as reserve to replace those which may be temporarily removed from service due to accidents or other disability or for periodical overhauling.

(*iv*) There are seats reserved for female passengers within the buses. But many female passengers prefer to sit by the side of the driver to avoid rush of male passengers within and this is allowed.

(*v*) A copy of the proceedings of the meeting presided over by Mr. Ananda Gopal Mukherjee was received by the District Magistrate in February last. The proceedings contained various complaints against the Salkia Transport Agency. They were duly enquired into and necessary action was taken in the matter by the District Magistrate.

(*b*) The Salkia Transport Agency has a very reliable workshop for repairs of motor vehicles. Some officials get their cars repaired there on payment at the usual rates.

The police occasionally take buses from this Agency for Government work and bills are regularly paid for it.

On enquiry it has been ascertained that the Agency never lets any police officer use the Agency's buses free of charge for private purpose.

(*c*) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister either in charge of the Home Department or in charge of the Department of Communications and Works, whoever is specially cognisant with the matter, be pleased to state whether the Salkia Transport Agency is the second, if not the biggest, bus traffic organisation in the province?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information.

Mr. SIBNATH BANERJEE: With reference to answers (*i*) and (*ii*), was the monopoly given first and then the owners had to sell their buses to other agencies?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Government of India and the Government of Bengal have laid down the policy of improving the bus services in the mufassal areas by this method of granting monopolies to approved parties?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SIBNATH BANERJEE: Will the Government initiate a scheme under which the number of buses plying every day would be available for the public?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think sufficient number of buses are available for the public.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that services to the public have greatly improved since the grant of monopoly to those services?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is also my information.

Mr. MANMATHA NATH ROY: What is the nature of the action taken by the District Magistrate with reference to answer (*a*) (*v*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Appointment of Muhammadans in the Jessore Collectorate.

*255. **Mr. SERAJUL ISLAM:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing, year by year, since 1935—

(*i*) the number of vacancies in the upper and lower grades of the permanent and temporary establishments of the Jessore Collectorate;

(*ii*) how many Muhammadans were appointed;

(*iii*) how many appointments were made in the temporary establishment on a contract system; and

(*iv*) how many were Muhammadans?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): A statement is laid on the Library table.

Darjeeling Improvement Fund.

***256. Al-Haj Maulana Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Local Self-Government and Public Health Department be pleased to lay on the table a statement showing the following particulars for the last three years:—

(*i*) the annual estimate of works done by the Darjeeling Improvement Fund, piece by piece; and

(*ii*) together with the corresponding travelling allowances of—

(1) Deputy Magistrate in charge,

(2) the Engineer, and

(3) the overseers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) A statement is laid on the table.

(*ii*) There are no corresponding travelling allowances as the Deputy Magistrate in charge does Darjeeling Improvement Fund work incidentally in the course of his ordinary touring, and the Engineer and Overseers are employees, not of the Fund, but of the District Board.

Statement referred to in the answer to clause (i) of starred question No. 256.

Darjeeling Improvement Fund works done through District Engineer—

	Rs.	A.
1934-35	... *45,327	15
1935-36	... *19,080	7
1936-37	... *55,544	0

*Lump sum figures have been shown for repairs and original works in the district, as it is not possible to give figures piece-meal within so short a time.

Establishment of Union Boards in Midnapore.

*257. **Mr. ISWAR CHANDRA MAL:** Will the Hon'ble Ministe in charge of the Local Self-Government Department be pleased to state–

(*i*) how many Union Boards in the district of Midnapore have so far been established under the Bengal Village Self-Govern ment Act, 1919;

(*ii*) in how many cases the people of the unions made representa tions to the Government opposing the establishment of Union Boards in their respective areas;

(*iii*) in how many cases, what action, if any, has been taken on those representations;

(*iv*) in how many more unions the Government are considering the desirability of establishing Union Boards;

(*v*) how many Muhammadan candidates sought election to the Contai Union Board in the police-station Contai in the election of its member to the said Union Board;

(*vi*) why no Muhammadan was appointed as member to the said Union Board;

(*vii*) whether it is a fact that members have been appointed to the said Union Board from villages from which two or three members have been elected;

(*viii*) whether it is a fact that many villages and communities within the area of the said Union Board have been left unrepre-sented;

(*ix*) whether the 3rd November, 1936, last, was fixed for holding a bye-election to fill up a vacancy caused by the death of a member of the said Union Board;

(*x*) whether this bye-election was held on the 12th April, 1937; and

(*xi*) if so, what was the reason for the delay?

The Hon'ble Maulvi SYED NAUSHER ALI: (*i*) 147.

(*ii*) Ten petitions were received in respect of six unions.

(*iii*) No Union Boards were established in three out of these six unions. In the case of the remaining three unions, however, Union Boards were established as the objections were found on enquiry to have been raised by a small minority.

(*iv*) About 120.

(*v*) Two.

(*vi*) Muslims form a very small minority and the most suitable ersons were appointed.

(*vii*) Only one member was appointed who belonged to a village rom which more than one had been elected.

(*viii*) There are 21 villages in the union and all of them cannot bviously be represented. It is also not quite understood what communities are referred to by the hon'ble member.

(*ix*) and (*x*) Yes.

(*xi*) The delay was due partly to the postponement of the election n the representation of the candidates on the ground of the convenience of the voters and partly to the extreme preoccupation of the Circle fficer in a series of urgent administrative duties of an emergent haracter.

Certificate procedure resorted to by the landlords at the publication of the records of rights.

***258. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that in areas where records of rights have been finally published, private landlords are resorting to certificate procedure under the Bengal Public Demands Recovery Act with the permission of Government; and

(*ii*) there is no provision, in the Bengal Public Demands Recovery Act, limiting the jurisdiction of the Certificate Officers within their respective subdivision and that Certificate Officers posted in the District Headquarters exercise jurisdiction over the whole of the district?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, does it not cause nconvenience and trouble to tenants living in outlying subdivisions?

(*c*) Does the Hon'ble Minister consider it necessary to frame rules hereby the jurisdiction of all Certificate Officers is limited within the ubdivision for the convenience of the tenants?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of landlords who have applied for certificate procedure during the last three years; and

(*ii*) the number of rent certificates filed during the last three years in each district by—

(*1*) the Court of Wards estates, and

(*2*) private landlords?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii* Yes.

(*b*) Not necessarily.

(*c*) No. As it will greatly increase the cost.

(*d*) A statement is laid on the table.

Statement referred to in the answer to clause (d) of starred question No. 258.

(*i*) 1933-34	..	40
1934-35	..	58
1935-36	..	38

(*ii*) Figures by districts are not readily available. The consolidated figures for the province are—

(1) 1933-34	..	61,375
1934-35	..	65,582
1935-36	..	58,740
(2) 1933-34	..	23,834
1934-35	..	24,208
1935-36	..	22,222

Kazi EMDADUL HAQUE: With reference to answers (*i*) and (*ii*), is the Government aware that the certificate procedure works harshly upon the tenants?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a matter of opinion.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the people of Kandi subdivision have got to go to Murshidabad to answer certificate procedure though Berhampore is nearer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May be so.

Maulvi ABDUL BARI: If that is so, will the Hon'ble Minister be pleased to consider whether the certificate procedure for Kandi subdivision may be instituted at Berhampore?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government will be pleased to consider the question.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister consider the desirability of withdrawing the power of certificate procedure from private landlords?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think that question arises out of this question. The general policy was discussed at length on the floor of the House on some other occasion.

Report of the research works done in the Bengal Tanning Institute.

***259. Mr. SERAJUL ISLAM:** Will the Hon'ble Minister for the Agriculture and Industries Department be pleased to state—

(*i*) what sort of research work is done in the Bengal Tanning Institute by its Research Chemist; and

(*ii*) what reports publish an account of such research work?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*i*) Research on problems connected with the Applied Chemistry of Leather Manufacture.

(*ii*) Gists of reports of all such researches which are reviewed quarterly by the Board of Directors of the Institute at their meetings, are published in the Annual Administration Report of the Department of Industries, Bengal. Investigations of general interest and of original nature are also published in the *Journal of the International Society of Leather Trades Chemists*. Reports of similar investigations are also read as papers at the meetings of the Indian Science Congress, and their abstracts published in the *Science Congress proceedings*.

Appointment of process-servers, night guards and orderlies by the District Judge, Faridpur.

***260. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state (*i*) how many process-servers; (*ii*) night guards, and (*iii*) orderlies were appointed by the District Judge of Faridpur during the current year?

(*b*) How many of these belong to the Muslim, Hindu and scheduled caste communities, respectively?

(*c*) How many of these are non-Matriculates?

(*d*) How many of the applicants for these posts were matriculates or had higher educational qualifications?

(*e*) Is it a fact that the names of the large number of persons are enlisted for appointment as process-servers?

(*f*) If so, whether most of these enlisted men already officiated as process-servers in temporary vacancies on various occasions and whether some of them did so for years together?

(*g*) Is it a fact that in making the aforesaid appointments during the current year anyone was taken in from amongst the enlisted persons?

(*h*) If not, why not?

(*i*) If the answer to clause (*g*) is in the affirmative, how many have been appointed out of the enlisted men?

(*j*) Is it a fact that the enlisted persons made a representation to the High Court complaining against the appointment of outsiders in disregard of their claims?

(*k*) If so, what action, if any, has been taken in the matter?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) 12 including permanent, temporary process-servers and probationers (10 from office staff and 2 from enlisted candidates).

(*ii*) 3 (from enlisted candidates).

(*iii*) 2 (from enlisted candidates).

(*b*) 10 Muhammadans and 7 Hindus.

(*c*) 14.

(*d*) As the appointments are to be made from the existing office staff and enlisted candidates, no applications were invited. Three Matriculates who were in the office staff as probationer and temporary process-server and office peon, have been appointed—2 as permanent process-servers and one as a probationer.

(*e*) A large number of persons has been enlisted for appointment as process-servers from the 1st December, 1936. This list also included several persons whose names were in the old list and who were considered to be eligible for service.

(*f*) Some of the persons enlisted, officiated previously as process-servers and in other capacities in temporary vacancies under the system in force at the time.

(*g*) Of the appointments made from enlisted persons during the current year, 4 were in the old list and 3 in the new list.

(*h*) Does not arise.

(*i*) All the appointments have been made from the list prepared from the 1st December, 1936.

(*j*) Yes. From several persons whose names were in the old list but who were not included in the list prepared from the 1st December, 1936.

(*k*) The petition was forwarded to the District Judge for disposal. He filed it as he was of opinion that no action was necessary. Under the Hon'ble High Court's General letter No. 18 (Civil) of 1937, dated

the 5th July, 1937, the persons whose names were in the old list and possess the usual qualifications have been made eligible for future appointments.

Detenu Sunil Chandra Ghosh.

***261. Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware—

(*i*) that Sunil Chandra Ghosh of Berhampore has been a detenu from the 16th December, 1932, up till now;

(*ii*) that the said detenu had a silk business which has now been dissolved; and

(*iii*) that the allowance which was given to the detenu's family has been discontinued?

(*b*) If the answer to clause (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state reasons for such discontinuance?

(*c*) Is it a fact that the said detenu's father has recently retired from Government service and that the income of the detenu's family has been considerably reduced?

(*d*) Is it a fact that the said detenu's application to Government regarding family allowance has been withheld by the District Magistrate of Murshidabad?

(*e*) Is it a fact that the detenu's application to the Superintendent of Police, Murshidabad, for an interview with Mr. Sasanka Sekhar Sanyal, Pleader and a member of this House, even in the presence of a police officer, was not granted?

(*f*) If answers to (*d*) and (*e*) are in the affirmative, will the Hon'ble Minister state reasons for the same?

(*g*) Will the Hon'ble Minister consider the question of restoring and increasing the said detenu's family allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) My information is that he was an order supplier with an uncertain income.

(*iii*) Yes.

(*b*) The family requires no assistance.

(*c*) I have no information.

(*d*) and (*f*) Yes, as the application disclosed no new facts for which reconsideration of the Government order was necessary.

(*e*) and (*f*) Yes as the pleader lives outside the area within which the detenu is permitted to move. I understand, however, that the detenu was advised to consult the pleader through his father.

(*g*) No.

Mr. SASANKA SEKHAR SANYAL: What are the reasons for thinking that the family does not require any assistance in view of the fact that assistance was previously required?

The Hon'ble Khwaja Sir NAZIMUDDIN: The latest information is that the father of the detenu has a pension of Rs. 40 and his brother has got an appointment in the District Board and the detenu being home domiciled is receiving Rs. 10 from Government and also Rs. 5 from an Insurance Company.

Mr. SASANKA SEKHAR SANYAL: In view of the fact that the father used to draw a salary before retirement, will the Hon'ble Minister say whether this privation is not causing hardship to the family?

The Hon'ble Khwaja Sir NAZIMUDDIN: The amount which was given to the family is being given to the detenu as personal allowance.

Mr. SASANKA SEKHAR SANYAL: Is it a fact that the allowance is given in place of the family allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, Sir, the allowance that was given to the family has been stopped but the detenu now being in home domicile is receiving that very sum.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*), will the Hon'ble the Home Minister please state whether he will make an attempt to get the required information?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have got no definite information, but I believe that he has retired from Government service.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble the Home Minister please state the nature of the service his father was doing under Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Externees from Midnapore since 1933.

***262. Mr. DEBENDRA LALL KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) the number of persons that have been externed from the District of Midnapore since the year 1933;

(*ii*) their names;

(*iii*) their position in life when they were externed; and

(*iv*) the number that were the principal earning members of their respective families?

(*b*) Will the Hon'ble Minister be pleased to state whether Government provided for any allowance for the maintenance of the persons externed or of their dependants?

(*c*) If not, how do the Government propose to compensate them now?

(*d*) Do the Government contemplate the withdrawal of these orders?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Twenty-eight externed in 1933.

(*ii*) and (*iii*) A statement is laid on the table.

(*iv*) All except Nos. 10, 13, 15, 16, 17 and 28 of the list.

(*b*) No.

(*c*) No compensation is provided for under the law.

(*d*) Orders have been withdrawn against all except Nos. 4, 5 and 7.

Statement referred to in the answer to clauses (a) (ii) and (iii) of starred question No. 262.

LIST OF EXTERNEES FROM MIDNAPORE DISTRICT.

1. Manmatha Nath Das, Pleader.
2. Pramatha Nath Banerjee, Teacher, Contai National School.
3. Jaharlal Adhikari, Pleader.
4. Birendra Nath Gupta, Dentist.
5. Jyotish Chandra Gupta, Pleader.
6. Bijoy Krishna Maiti, Teacher, Contai National School.
7. Binay Jibon Ghose, Professor, Midnapore College.
8. Surendra Nath Das, Teacher, Contai National School.
9. Aghore Chandra Das, Teacher, Contai National School.

10. Biswanath Sen, ex-student.
11. Bhuteswar Paria, Teacher, Contai National School.
12. Jatindra Nath Das, Assistant Teacher, Midnapore Hindu High English School.
13. Gouranshu Mukherjee, student.
14. Gharu Chandra Das, Muktear (dead).
15. Anil Singh, College student.
16. Chittaranjan Das, student.
17. Snehabindu Ghose, student.
18. Thakapada Biswas, Professor, Midnapore College.
19. Narayan Chandra Mukherjee, Teacher, Midnapore Collegiate School.
20. Ambika Prasanna Sen, Pleader.
21. Tarak Das Ghose, Professor, Midnapore College.
22. Naba Jibon Ghose (was detenu—now deceased).
23. Ram Mohon Singh, Muktear.
24. Mon Mohon Singh, Muktear.
25. Sailaja Nanda Sen, Newspaper Reporter.
26. Sanat Bej (released detenu—no profession).
27. Nafar Ghose, hawker.
28. Bimal Adhikari (released detenu—student).

Dr. NALINAKSHA SANYAL: Will the Hon'ble the Home Minister be pleased to state whether he is aware that, at least with reference to Mr. Thakapada Biswas, No. 18 in his list, the order of externment has been revoked only on his having given an assurance that he would not enter the district of Midnapore?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble the Home Minister be pleased to state whether Government are prepared to withdraw the orders against Birendra Nath Gupta, Jyotish Chandra Gupta and Binay Jiban Ghosh, Nos. 4, 5 and 7 in the list?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as my information goes, two of these are residents of the Dacca district, and Government, just at present, are not prepared to withdraw that order.

Dr. NALINAKSHA SANYAL: Will the Hon'ble the Home Minister be pleased now to refer to the letter I have just handed over to him in which the District Magistrate definitely demands an assurance that Mr. Thakapada Biswas must give a written assurance that he will not in future enter the district and it is on that assurance alone that this externment order has been withdrawn?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I, Sir, correct the honourable member that the District Magistrate does not "demand," but "demanded" in 1935?

Mr. DHIRENDRA NATH DATTA: With respect to one of the persons mentioned by me, I refer to Binay Jiban Ghose, No. 7 in the list, will the Hon'ble the Home Minister be pleased to state if he is aware that he is a resident of Midnapore, and why then the order of withdrawal was not passed in his favour also?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not at present considered advisable to withdraw the order in his case.

Dr. NALINAKSHA SANYAL: Will the Hon'ble the Home Minister be pleased to state if he is aware that Mr. Thakapada Biswas had been a Professor of the College for more than 10 years, that he had been for some time Acting Vice-Principal of the College, and further that he had been very highly spoken of by the late Mr. Peddie, the then District Magistrate of Midnapore, and that he had been referred to by the District Magistrate as the Vice-Principal in charge who gave Government immense help in connection with certain difficult times of the College?

The Hon'ble Khwaja Sir NAZIMUDDIN: All these, Sir, took place in 1935, and this matter naturally has not come up before the present Government.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (c), will the Hon'ble the Home Minister be pleased to tell the House whether the externment orders have been passed under the Criminal Law (Amendment) Act, or under the civil law of the country?

The Hon'ble Khwaja Sir NAZIMUDDIN: Under neither, Sir. (Laughter.)

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that this Mr. Thakapada Biswas,

who was a brilliant scholar of the Calcutta University, having stood third in order of merit in Physics, applied for the post of a Professor of Physics in that College only this year, and that his application has not been entertained on the ground that there was an externment order passed against him in the past?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble the Home Minister aware of the fact that Mr. Narendra Nath Das Gupta, a member of this House, is not allowed to enter the district without the permission of the District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it, Sir, but I am prepared to inquire into it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble the Home Minister please state whether he is aware that Mr. Tarak Das Ghosh, also a Professor of the College for over 15 years and about 50 years old, was peremptorily asked to leave the place with his cows and chattel and goods, because he was ordered to leave the place under the order of externment, and it was presumed that this order was passed against him because his son refused to stand as a Government witness in the Burge murder case?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information, Sir.

Prisoner Satya Narayan Chandra.

*263. **Dr. SARAT CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) whether Satya Narayan Chandra, a prisoner of a conspiracy case (Birbhum), in Rajshahi Central Jail, suffered from phthisis any time during his stay in the jail; and

(*ii*) whether he was ever suspected to have been suffering from such complaint?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the present condition of his health; and

(*ii*) whether any special step has been taken for his treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The correct name of the prisoner is Babu Satya Gopal Chandra, and not Babu Satya Narayan Chandra. He never suffered from phthisis while in jail.

(*ii*) No.

(*b*) (*i*) Good.

(*ii*) No.

Persons interned in Midnapore.

***264. Mr. DEBENDRA LALL KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) the number of persons that have been kept interned in the district of Midnapore under the rules framed under the Bengal Suppression of Terrorist Outrages Act;

(*ii*) their names; and

(*iii*) the number of them that were the principal earning members of their respective families?

(*b*) Did the Government provide for any allowance for the maintenance of the persons interned or of their dependants?

(*c*) If not, do the Government propose to do so now?

(*d*) Do the Government propose to withdraw these orders immediately?

(*e*) Will the Hon'ble Minister be also pleased to state whether these orders of internment and externment were passed under the rules framed under the Bengal Suppression of Terrorist Outrages Act and under the Bengal Criminal Law Amendment Act?

(*f*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Thirty-one persons.

(*ii*) A list is placed on the Library table.

(*iii*) One. He is Natendra Nath Das, a pleader who has been allowed to practise in Contai Court and elsewhere with previous permission.

(*b*) No.

(*c*) No. Unless special circumstances justifying it in any case are brought to the notice of Government.

(*d*) No. But cases are frequently reviewed with a view to relaxations consistent with public safety.

(*e*) Under the rules framed under the Bengal Suppression of Terrorist Outrages Act.

(*f*) The restrictions will be removed in each case as soon as it appears that this course can be taken without prejudice to public safety.

Calcutta Medical College group of Hospitals.

***265. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the number of—

(*i*) Contract Demonstrators;

(*ii*) Surgical and Medical Registrars;

(*iii*) Paid House Surgeons (Internal);

(*iv*) Internal House Surgeons and House Physicians;

(*v*) Paid Outdoor House Surgeons and House Physicians; and

(*vi*) Clinical Assistants,

in the Calcutta Medical College group of Hospitals?

(*b*) How many of these are Hindus and Muslims, respectively?

(*c*) How many appointments have been made in these posts during the current year?

(*d*) How many of the persons appointed during the current year are Hindus and Muslims, respectively?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) 6.

(*ii*) 6.

(*iii*) 6.

(*iv*) 38.

(*v*) 6.

(*vi*) 71.

(*b*) A statement is laid on the table.

(*c*) 123.

(*d*) Hindus 107 and Muhammadans 16.

Statement referred to in clause (b) of starred question No. 265.

	For term January, 1937, to July, 1937.		For term August, 1937, to January, 1938.	
(*i*) Contract Demonstrators..	All Hindus		All Hindus	
(*ii*) Surgical and Medical Registrars.	Do.		Do.	
(*iii*) Paid House Surgeons (Internal).	Do.		Do.	
(*iv*) Internal House Surgeons and House Physicians.	Hindus .. 17 Muhammadans .. 2		Hindus .. 17 Muhammadans .. 2	
(*v*) Paid Outdoor House Surgeons and House Physicians.	Hindus .. 2 Muhammadan .. 1		All Hindus.	
(*vi*) Clinical Assistants ..	Hindus .. 29 Muhammadans .. 4	33	Hindus 31 Muhammadans 7	38

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state why the number of Muslim officers is so inadequate in the Calcutta Medical College Group of Hospitals?

The Hon'ble Maulvi SYED NAUSHER ALI: Because, in the opinion of the appointing authority suitable candidates are not available.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether qualified Muslim candidates are now available in sufficient numbers for appointment?

The Hon'ble Maulvi SYED NAUSHER ALI: The matter is now under examination, Sir.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether, in view of the microscopic number of Muslims in the Medical College of Calcutta, he would consider the desirability of stopping recruitment from all other communities but the Muhammadan community in future years at least for some years to come?

The Hon'ble Maulvi SYED NAUSHER ALI: I do not think it would be practicable even if it were desirable.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the number of Muhammadans amongst the reputed private medical practitioners in Calcutta who command the biggest practice?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not supposed to know about private medical practitioners. (Laughter.)

Electric installations for Hooghly-Chinsura Municipality.

*266. **Maulvi ABUL QUASEM:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*i*) whether complaints have been received by Government that the electric installations for street lighting of the Hooghly-Chinsura Municipality are defective and dangerous;

(*ii*) whether the Government have received any report of accidents during the last three months;

(*iii*) if so, how many;

(*iv*) whether the electric installation of the licensee has been recently examined by any responsible officer; and

(*v*) if so, whether the report of the said officer will be made public?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*i*) No.

(*ii*) Yes.

(*iii*) Two.

(*iv*) The portions of electrical installation of the licensees adjoining the accidents and also certain other portions were recently examined.

(*v*) Departmental reports are not meant for publication, but matters of public interest are included in the Annual Report on the Administration of the Indian Electricity Act, 1910, in Bengal.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state the nature of the accidents with reference to answer (*iii*)?

The Hon'ble Mr. H. S. SUHRAWARDY: In one case of accident, Sir, a widow was stretching a piece of wet cloth on a piece of copper wire, one end of which was tied to an iron hook, which supported a stay wire for the service bracket. There was a storm and a branch of a tree bent down and came into contact between the phase wire and the stay wire, with the result that the stay wire somehow or other got electrified through the wet cloth, and the woman was affected thereby and fell down senseless. There was no other accident to human life.

With regard to the other accident, two horses fell dead.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether there has been a constant quarrel between the Municipal authorities and the Electric Supply Company over several matters including matters which can be settled only with Government intervention?

Mr. SPEAKER: This supplementary question does not arise out of the question of accident.

Dr. NALINAKSHA SANYAL: Sir, I submit that it arises out of the original question, I mean question (*v*), "whether the report of the said officer will be made public?"

Mr. SPEAKER: This question as a whole deals only with reports of accident.

Dr. NALINAKSHA SANYAL: But my information is that the municipality had also said that in this connection and that they had addressed the Government with regard to that.

Mr. SPEAKER: Will you please refer to question (*ii*) which inquires whether Government have received any report of accidents during the last three months?

Dr. NALINAKSHA SANYAL: I would respectfully draw your attention to question (*iv*) which asks: "Whether the electric installation of the licensee has been recently examined by any responsible officer," and I submit, Sir, that in this connection my question of making the report public comes in.

Mr. SPEAKER: That is entirely a separate issue. The real issue is with reference to accidents.

Dr. NALINAKSHA SANYAL: But the report about the accidents was made.

Mr. SPEAKER: That does not matter. These questions are admitted on the assumption that they would not involve too many things.

Dr. NALINAKSHA SANYAL: The question is definite, Sir.

Mr. SPEAKER: It might be, and a question might involve many other things, but in every case it is confined to one thing and in this specific case it is about accidents.

Dr. NALINAKSHA SANYAL: But the heading does not show that.

Mr. SPEAKER: I am not concerned with the heading. There may be a mistake in it.

Illegal exactions in Birbhum.

***267. Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Has the Hon'ble Minister in charge of the Revenue Department received a petition duly signed by 400 tenants of thana Khairasole, District Birbhum, regarding forceful realisation of *taluri* varying at the rate from pies 6 to annas 2 per rupee of the rent payable and cost of cheques (receipts) by the *zamindars*?

(*b*) If so, will the Hon'ble Minister say what steps have been take by the Government to put a stop to this undesirable and oppressiv practice?

(*c*) If not, does the Hon'ble Minister propose to take any steps t relieve the poor tenants from this illegal exaction?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A petition ha been received alleging that *tahuri* and costs of rent receipts are bein realised by the *zamindars*.

(*b*) The Collector of the district who was asked to enquire into th matter has reported that *tahuri* has been realised in some villages i Khairasole police-station at 6 pies to 1 anna per rupee of rent and that i some cases cost of rent receipts has also been realised.

(*c*) The Collector is being instructed to warn the landlords con cerned and their agents, that these illegal exactions must cease.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble the Revenu Minister be pleased kindly to give the names of those zemindars wh have made these illegal exactions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government d not consider it necessary to do so in the public interest.

Mr. SYED JALALUDDIN HASHEMY: With reference to answe (*c*), will the Hon'ble the Revenue Minister be pleased to state whethe he is aware that as a result of this warning by the Collector of the district, zemindars and their agents have been provoked into realizing fifty times more *tahuri* than before?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information, Sir.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble the Revenue Minister be pleased to state the total amount that has thus been illegally collected by the landlords?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think, Sir, that question arises in this connection.

Mr. RASIK LAL BISWAS: Will the Hon'ble the Revenue Minister be pleased to state how long this sort of illegal exaction has been going on?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think from time immemorial, Sir. (Laughter.)

Maulvi ABDUL BARI: With reference to answer (*b*), will the Hon'ble the Revenue Minister be pleased to state when this order was communicated to the district authorities?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: About a fortnight ago.

Labour Officers.

***268. Messrs. SHIB NATH BANERJEE, A. M. A. ZAMAN, ASIMUDDIN AHMED, SYED JALALUDDIN HASHEMY and SUKUMAR DUTTA:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*i*) what will be the monthly salary of the proposed Labour Officer in the Labour Department;

(*ii*) what will be the number and monthly salaries of the "officers" under the proposed Labour Officer;

(*iii*) whether these appointments are to be made by the Provincial Public Service Commission or the Hon'ble Minister himself; and

(*iv*) whether any promises regarding these appointments have been given to certain gentlemen?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, what are the names of those gentlemen?

(*c*) Whether certain persons organising rival labour organisations in support of the present Minister for Labour and Commerce have been assured of any appointment?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) and (*ii*) The salaries are under consideration and will be kept as low as possible having regard to the need of efficiency in the public service. There will be two officers under the proposed Labour Officer.

(*iii*) Appointments will be made in accordance with the appropriate sections of the India Act and the other Rules relating to appointments.

(*iv*) No.

(*b*) Does not arise.

(*c*) I am not aware that any persons are organising rival labour organisations in my support and no one has been assured of any appointment.

Mr. J. N. GUPTA: Will the Hon'ble Minister in charge of Labour be pleased to state what will be the duties of those officers who are going to be appointed shortly?

The Hon'ble Mr. H. S. SUHRAWARDY: The duty of the Labour Officers will be to look after the welfare of labour.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister in charge of Labour be pleased to state whether he is connected with the National Jute Mill Workers' Union, which is a rival body to the Benga Chatkal Mazdoor Union?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: I submit, Sir, that this supplementary question arises out of question (*c*).

Mr. SPEAKER: Will you please see the question, Mr. Banerjee? The question is: "Whether certain persons organizing rival labour organizations in support of the present Minister for Labour and Commerce have been assured of any appointment?" That does not mean that the Hon'ble Minister is connected with any labour organization!

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state what he means by welfare work?

The Hon'ble Mr. H. S. SUHRAWARDY: That would require a long and detailed narration of policy which I am not prepared to give now. At any rate a genuine trade union leader ought to know what welfare work means.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*), are we entitled to declare in public that the Hon'ble Mr. H. S. Suhrawardy has got no connection whatsoever with the labour organisation in Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: I have ceased to have any connection with the labour organisation after I took office. I believe there must be labour organisations which are following the policy laid down by Government through me, namely, establishment of genuine trade unions that are not concerned with class hatred or violence or intimidation and that are not exploiting the labourers for personal political purposes, but are assisting the labourers to organise themselves for labour welfare work.

Mr. SYED JALALUDDIN HASHEMY: That is no answer to my question. My question is, are we to understand that since the Hon'ble Mr. H. S. Suhrawardy was appointed as the Labour Minister he ceased to have any connection with the labour organisation.

Mr. SPEAKER: That was not your question. He has given a categorical denial of any connection with the labour organisation.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state whether the officers who are appointed in the Labour Department to look after the welfare work are acquainted with the economics of our life?

The Hon'ble Mr. H. S. SUHRAWARDY: Am I aware that such an officer should be appointed by somebody else? I am not aware of that. The office is examining as to what should be the requisite qualification of such a Labour Officer.

Bodhana Samiti.

*269. **Mr. DEBI PROSAD KHAITAN:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether any grants are paid to the Bodhana Samiti or the Association for the care and control of the feeble-minded; and

(*b*) whether the department is going to make some special grants to this Samiti to help them in the special work undertaken by it?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) None other than those mentioned below. At present two separate grants are paid to the institution. An ordinary grant towards the maintenance of the Bodhana Niketan and a capitation grant for certain boarders of the Home. The department is considering the question of increasing these grants.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state whether the Bodhana Samity is meant entirely for the Hindus or for the Muhammadans as well?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not looked into that. I cannot say unless I get notice.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the location of the office of this samity? Is it in Calcutta or elsewhere?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is in the suburb of Calcutta.

Mymensingh Police Lines.

*270. **Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) whether it is a fact that early last April, a number of police constables disappeared all on a sudden from the Mymensingh Police Lines;

(*ii*) whether it is also a fact that the Mymensingh Police Lines were searched on or about the 1st of April, 1937;

(*iii*) whether it is a fact that statements were recorded from certain members of the Police Force;

(*iv*) if so, from how many;

(*v*) whether certain members of the force were removed in this connection from Mymensingh and/or Bengal;

(*vi*) what are the names and number of the persons so removed;

(*vii*) what are their present whereabouts;

(*viii*) whether these persons were merely transferred elsewhere or suspended or dismissed from service;

(*ix*) what were the reasons for the aforesaid search of the Police Lines in Mymensingh; and

(*x*) what was the nature of the articles, if any, which were seized as a result of the search?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) No.

(*ii*) and (*iii*) Yes.

(*iv*) 4.

(*v*) No.

(*vi*) to (*viii*) Do not arise.

(*ix*) A constable was found in possession of proscribed literature.

(*x*) Objectionable literature.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state with reference to (*ix*), what action was taken against the constable who was found in possession of proscribed literature?

The Hon'ble Khwaja Sir NAZIMUDDIN: The constable resigned.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Number of Assembly questions.

247. Maulvi ABDUL HAMID SHAH: Will the Deputy Speaker of the Bengal Legislative Assembly be pleased to state—

(*i*) the number of questions tabled for this session of the Assembly during the period from 15th May to 15th July last;

(*ii*) the number of them that were disallowed;

(*iii*) the grounds on which each of such questions was disallowed

(*iv*) the number of disallowed questions which referred to the process-servers;

(*v*) the number of members of the Assembly who tabled those disallowed questions about process-servers; and

(*vi*) the number of disallowed questions that referred to partly answered questions of the previous sessions of the Bengal Legislative Council?

DEPUTY SPEAKER of the BENGAL LEGISLATIVE ASSEMBLY (Mr. M. Ashraf Ali): (*i*) 340.

(*ii*) 27.

(*iii*) A statement is laid on the Library table.

(*iv*) Ten.

(*v*) Six.

(*vi*) None.

Engagement of a Special Public Prosecutor in supersession of the local Public Prosecutor in Howrah.

248. Mr. BARADA PRASANNA PAIN: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state if a Special Public Prosecutor in supersession of the local Public Prosecutor was engaged to appear in 3 recent cases at Howrah, viz., an Arms Act case against Md. Shariff Khan, a Municipal Commissioner, a case of murder known as the Rama Murder case and another case of murder known as the Basantapur Murder case?

(*b*) Is it a fact that all 3 cases failed and the Arms Act case was found to be false?

(*c*) Is it a fact that after the continuance of the Arms Act case for 9 months, the advice of the Special Public Prosecutor to withdraw the case was not accepted and that the case was pursued till the end?

(*d*) Will the Hon'ble Minister be pleased to state the total amount of money paid in fees to the Special Public Prosecutor in the 3 cases?

(*e*) Will the Hon'ble Minister be pleased to state the reasons for the engagement of the Special Public Prosecutor in supersession of the local Public Prosecutor?

(*f*) Is the Hon'ble Minister considering the desirability of issuing orders discontinuing the practice of engaging such Special Public Prosecutors?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes.

(*b*) Yes. In the other 2 cases the accused were convicted by the Sessions Court but acquitted by the High Court on appeal.

(*c*) It is not a fact that the Special Public Prosecutor ever suggested the withdrawal of the Arms Act case against Shariff Khan to any authorities. He further reports that the idea of withdrawing the case never arose in his mind.

(*d*) Rs. 12,110-3.

(*e*) In view of the special circumstances of the cases Special Public Prosecutor was appointed on the recommendation of the District Magistrate, Howrah.

(*f*) The practice of engaging Special Public Prosecutors is resorted to on rare occasions and in very special circumstances only; it is not possible to discontinue the practice altogether.

House searches of the local Krisak Party of Khairasol, Birbhum.

249. Dr. SHARAT CHANDRA MUKHERJI: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that several houses of the workers of the local Krisak Party of Khairasol (district Birbhum) were searched recently where nothing incriminating was found but the workers were taken to the police-station, harassed and their statements were recorded?

(*b*) Will the Hon'ble Minister be pleased to state if these activities of the police are not undue interference in the lawful and constitutional activities of the Krisak workers in the matter of ameliorating the peasants' condition?

(*c*) If so, will the Government take such steps as to put a stop to it?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) On the strength of search warrants issued by the District Magistrate, the houses of 4 persons, all of Khairasol, were searched. The houses were within two or three hundred yards of the thana and the persons concerned did not raise any objection when they were asked to go to the police-station. They were not subjected to any harassment whatsoever.

(*b*) No. The search had nothing to do with the lawful and constitutional activities of the Krisak workers.

(*c*) Does not arise.

Depressed class Hindus as a separate community for the purpose of recruitment.

250. Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state—

(*i*) whether depressed class Hindus are considered as a separate community from the Hindus in general for the purpose of recruitment; and

(*ii*) the percentage fixed by Government for each of the different communities in the various public services?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) Yes—for certain services.

(*ii*) The hon'ble member is referred to the recruitment rules governing the different classes of public services throughout the province.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether the scheduled caste includes depressed class, and, if so, whether Government think it necessary in the future to record the scheduled caste and depressed class separately regarding their demands and claims?

The Hon'ble Khwaja Sir NAZIMUDDIN: In future there will be no depressed class. There will be only two castes—scheduled caste and caste Hindus.

Confirmation of the Head Mistress of the P. N. Girls' School (Rajshahi).

251. Mr. SURENDRA MOHAN MAITRA: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the Head Mistress of the P. N. Girls' School (Rajshahi) who is an M.A., B.T.,

has not been confirmed in her post though she has been serving as such for a year?

(*b*) If the answer to (*a*) is in the affirmative, will the Government be pleased to state the reasons for not doing so?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The P. N. Girls' School is a non-Government Institution and I have no information on the subject of this question.

(*b*) Does not arise.

Mr. SURENDRA MOHAN MAITRA: On a point of information, Sir. I find that my question has been mutilated somewhere and mutilated beyond recognition. From a letter written to me by Secretary, I find that only one of my questions was not allowed——.

Mr. SPEAKER: I will enquire into the matter but for the time being you go on with your supplementary question.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state whether this institution is a Government-aided institution or not?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already said that it is a Government-aided institution.

Mr. SURENDRA MOHAN MAITRA: Is the Hon'ble Education Minister aware that under the Education Code which I hold in my hand every appointment, confirmation or dismissal is subject to the approval of the Education Department and it is distinctly stated that the Inspector or Inspectress is the sanctioning authority, and is the Education Minister aware that in aided schools every appointment or dismissal is subject to the approval of the Education Department?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is subject to the approval of the Inspector or Inspectress of Schools (*vide* rule 25, page 361).

Mr. SURENDRA MOHAN MAITRA: Is the Inspectress of Schools a Government servant or not?

Mr. SPEAKER: That question does not arise. You can take it that she is.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state whether the confirmation of an appointment has been withheld by a letter?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information on the point.

Mr. SPEAKER: I now definitely remember Mr. Maitra why the drafting of your question was changed. It had to be changed because in the form in which it was presented it was not admissible.

Mr. SURENDRA MOHAN MAITRA: In that question I asked for some information. I know you disallowed one question because it was a matter of opinion apart from other questions.

Mr. SPEAKER: I cannot help it now.

Mr. SURENDRA MOHAN MAITRA: Is the Hon'ble Minister aware that a letter was written by the Inspectress of Schools withholding her approval of the confirmation of lady teacher and refusing to allow increment of pay which was granted by the Governing Body?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already said that we are not aware of any such letter having been written.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to make an enquiry into the matter as the school is suffering?

Mr. SPEAKER: All I can do is to send your question to the Department. After all you will, I hope, allow me the right to put it in such form as to be admissible.

Mr. SURENDRA MOHAN MAITRA: Of course, Sir, you have the right to do that. What I wanted was to get answer to my question from the Hon'ble Chief Minister which is not forthcoming.

The Hon'ble Mr. A. K. FAZLUL HUQ: I may explain, Sir, that in all non-Government institutions which are aided, appointments are generally made by the Governing Body subject to the approval of the Inspector or Inspectress, as the case may be, and in most cases they do not come up to Government unless an aggrieved party bring it to the notice of Government. In future if any aggrieved person bring to the notice of Government any grievance I promise to make a thorough investigation.

Dr. NALINAKSHA SANYAL: Apart from the question of aggrieved person bringing the fact to the notice of Government, does the Hon'ble Minister know that such matters are particularly taken notice of on other than academic grounds?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot give an answer to that off-hand: it is such a general question. I am not supposed to know many things.

Platform at the Ullapara Railway Station of S. S. Railway.

252. Mr. MD. BARAT ALI: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Railway) Department aware that there is no platform at the Ullapara Railway Station of S. S. Railway and that a great inconvenience is felt by the travelling public for want of platform?

(*b*) Is it a fact that there is no arrangement for drinking water at the said station? If so, what arrangements, if any, do the Railway authorities contemplate to remove these inconveniences?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Construction of an elevated platform is under contemplation of the Railway authorities. It will be taken up when funds are available.

(*b*) As the water of the station well has become unfit for drinking, a travelling water tank is sent daily to the station from Ishurdi for supply to staff and passengers.

Petition against Captain Blake.

253. Mr. HARENDRA KUMAR SUR: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware of a petition, containing allegations of ill-treatment and misbehaviour against Captain Blake who was the Additional District Superintendent of Police and the Military Intelligence Officer of the Noakhali District for some time, submitted by one Anilesh Chandra Ghose, an ex-student of Feni College, and addressed to the Private Secretary to His Excellency the Governor of Bengal and despatched on the 20th January, 1937, and of the fact that the said petition was forwarded to the Chief Secretary to the Government of Bengal for taking necessary action and that it was so communicated to the petitioner?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government has taken any action on the petition?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

(*c*) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action has been taken against Captain Blake?

The Hon'ble Khwaja Sir NAZIMUDDIN: Papers regarding his case have been sent to the Military authorities for action.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what action has been taken against Captain Blake?

Mr. SPEAKER: That question has already been answered.

Persons killed by street accident in Calcutta.

254. Mr. S. A. COMES: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware of the number of cases of death caused by street accidents in Calcutta which are not brought before courts?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the names of all persons killed by street accidents since the 1st January last; and

(*ii*) the number of cases that were sent up for trial?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) (*i*) A statement is laid on the table.

(*ii*) 48.

Statement referred to in the answer to clause (*b*) (*i*) *of unstarred question No. 254, showing the names of persons killed by street accident since 1st January, 1937.*

1. Parmeswar.
2. Bhola Nath Banerjee.
3. Bishun Benia.
4. Name unknown woman.
5. Mrinal (female)
6. Nirshi (female).
7. Upendra Nath Sikdar.
8. Khater-Bud.
9. Unknown male.
10. Sashi Bhusan Mondal.
11. Chanda (female).
12. Manik.
13. Haridas Bairagi.
14. Syed Mohd. Arab.
15. Kamal Mondal.
16. Ranti Bind (female).
17. Dhirendra Nath Bose.
18. Mohd. Shariff.
19. Kulpi Kalwarin (female).
20. Sk. Kamruddin.
21. Saroo Dassi (female).
22. Ramdin Kahar.
23. Sabra Bibi (female).
24. Mohd. Mohasin.
25. Nabi Bux.
26. Pearoo.

27. Ushabala Shaw (female).
28. Sankar Chatterjee.
29. Asgar Ali.
30. Niri Dassi (female).
31. Saydat Mian.
32. Sadagar Chamar.
33. Mahmood.
34. Abdul Majid.
35. Ibrahim Gassi.
36. Md. Ishaque.
37. Mohar Shaw.
38. Deaf & dumb Muhammadan.
39. Asraf Ali.
40. Sailendra Nath Sarkar.
41. Narain Dassi.
42. Charles Faithful.
43. Sushila Dassi.
44. Bhola Prosad.
45. Raimani.
46. Kedar Shaikh.
47. Chetia.
48. Golab Dassi.
49. Sadai Pan.
50. Sambhu Charan Das.
51. Kadam Bewa.
52. Unknown beggar, Hindu male.
53. Unknown Hindu male.
54. Nagen Pandit.
55. Nanoo.
56. Hiramon Shaw.
57. Dhani Dome.
58. Mr. A. M. Lockwood.
59. Abdul Haque.
60. Satish Ch. Ghosh.
61. Subodh Ch. Das.
62. Ramju Kanti.
63. Usha.
64. Dudhit Muchi.
65. Mohan.
66. Kalabati.
67. Alim Khan.
68. Abdul Hakim.
69. Abdul Rahman.
70. Shaikh Kaloo.
71. Noulak Singh.
72. Jung Bahadur.
73. Unknown Muhammadan female.
74. Jagat Singh.
75. Maliram.
76. Gopiraj Benia.
77. Ramprokash Dubey.
78. Unknown woman.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state how many cases sent up for trial ended in conviction?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Sub-Assistant Surgeons.

255. Khan Sahib KABIRUDDIN KHAN: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state whether it is a fact that for the last 5 or 6 years Sub-Assistant Surgeons are kept purely on a temporary basis against permanent vacancies for a long time?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what is the reason for doing so?

(*c*) When first increment of pay of Sub-Assistant Surgeons falls due after they are made probationers?

(*d*) How many Sub-Assistant Surgeons are at present not getting the first increment although it has become overdue?

(*e*) Is it a fact that these probationer Sub-Assistant Surgeons will get increments with retrospective effect in accordance with the existing rule?

(*f*) If answer to clause (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state when this will be given effect to?

(*g*) Is it a fact that tenure rules are not observed?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) No.

(*b*) Does not arise.

(*c*) On the completion of the first year of probation.

(*d*) 14 officers who were appointed to permanent posts under Government order in June, 1935, have not yet received their increment which fell due in June, 1936.

(*e*) Yes.

(*f*) Orders will be issued shortly.

(*g*) No.

Appointment of Mussalmans in the Bengal Gardeners' and Subordinate Horticultural Services.

256. Maulvi ABDUL BARI: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that of the 9 posts in the Bengal Gardeners' Service only one is held by a Mussalman?

(*b*) Is the Hon'ble Minister aware that there is a strong feeling among the Mussalmans on account of the paucity of Muslim appointments in that service?

(*c*) Will the Hon'ble Minister be pleased to state the qualifications of each of the Indian and Anglo-Indian incumbents of the posts referred to in (*a*) above?

(*d*) Will the Hon'ble Minister also please state the educational qualifications possessed by each of the members of the Subordinate Horticultural Service?

(*e*) Will the Hon'ble Minister kindly state whether he proposes to give more representation to Mussalmans on the occurrence of vacancies whether permanent or temporary in near future?

(*f*) Will the Hon'ble Minister be pleased to state whether there are rules which lay down the minimum proportion of Mussalmans to be employed both in the Provincial and Subordinate Horticultural Service.

(*g*) If the answer to (*f*) be in the affirmative, will the Hon'ble Minister be pleased to state whether the existing proportion of Mussalmans satisfy the requirements of the rules?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) There are only four such posts under the control of my department out of which one is held by a Muslim.

(*b*) I am aware of such feelings.

(*c*) and (*d*) A statement regarding officers under the control of my department is placed on the table.

(*e*) As far as the posts under the control of my department are concerned, I am going into the question of fixing a percentage for Muslims, Hindus and scheduled castes. I can also give this assurance that in filling up future vacancies the claims of qualified Muslims and scheduled castes will not be overlooked till the percentages are not fixed.

(*f*) According to the existing rules appointment in the Bengal Gardeners' Service in India is made by promotion and the question of communal representation therefore does not arise. The proportion fixed for Muslim representation in the Subordinate Horticultural Service is one-third.

(*g*) Yes, as far as the posts under the control of my department are concerned under the existing rules. The whole question of fixing a ratio is going to be considered very soon.

Statement referred to in the answer to clauses (c) and (d) of unstarred question No. 256.

BENGAL GARDENERS' SERVICE.

N. Mitra, Esq., Curator, Royal Botanic Garden, Sibpur, N.D.H., R.D.H., B.SC. (CAL.).—Studied gardening first under a Kew trained gardener; subsequently at Reading.

S. N. Basu, Esq., Curator, Lloyd Botanic Garden, Darjeeling.—Studied up to the Entrance Standard of the Calcutta University. Studied gardening under a Kew trained horticulturist.

M. Jones, Esq., Assistant Curator, Government Gardens, Calcutta.—Was trained in St. Andrews' Kalimpong Homes where he gained experience in the management of labour, being in charge of coolie labour there. Acquired experience in horticultural operations under Kew trained horticulturists.

Maulvi Md. Quasem Ali, Assistant Curator, Royal Botanic Garden, Sibpur.—Passed Matriculation Examination of the Calcutta University in the Second Division in 1914 and I. A. Examination in 1918, then I. Sc., in 1924, from the same University. He also passed the Preliminary Scientific M. B. Examination of the Calcutta University having Botany as one of the subjects. He has studied Botany, Zoology, Physics and Chemistry. Gained experience under experienced horticulturists.

SUBORDINATE HORTICULTURAL SERVICE.

J. A. Hulbert, Esq., Overseer, Government Gardens, Calcutta.—Educated at St. Andrews' Colonial Homes. Subsequently employed in the Cinchona Department for many years under Kew trained horticulturists.

Maulvi Gholam Mohiuddin, Overseer, Royal Botanic Garden, Sibpur.—Passed the I. Sc. Examination of the Calcutta University with Botany as one of the subjects in the year 1922. He studied in the 3rd year class of the Calcutta Medical College where in the first year class he had practical and theoretical Botany as one of his subjects of study.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what the standard qualifications are for the Gardeners Service?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I ask for notice.

Appointments with salary of more than Rs. 50 in different departments of Government.

257. Mr. BIRENDRA KISHORE RAY CHOUDHURY: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) the number of appointments with initial salary of more than Rs. 50 made in the different departments of Government since the 1st April, 1937; and

(*ii*) the number that were filled on the advice of the Bengal Public Service Commission?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*i*) The information desired by the hon'ble member is not readily available and cannot be obtained without an expenditure of time, labour and money which Government are not prepared to undertake.

(*ii*) Eleven posts have so far been filled after consulting the Bengal Public Service Commission.

Expenditure for the Industrial and Agricultural training of the detenus up till 30th June, 1937.

258. Mr. RASIK LAL BISWAS: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) the expenditure that has been incurred in connection with the Industrial and Agricultural training of the detenus up till 30th June, 1937;

(*ii*) the amount of receipt from the sale of products prepared by the detenus up to the 30th June, 1937;

(*iii*) the name of the officer in charge of the training and the qualifications he has got with regard to the industries in which the detenus are being trained;

(*iv*) the number of detenus that are being trained in industry and agriculture; and

(*v*) the method for utilising such training?

(*b*) Will the Hon'ble Minister be pleased to make a statement showing the progress of work with regard to the training of the detenus in agriculture and industries?

(*c*) Have the Government any other scheme in contemplation for giving training to the detenus who are not receiving training now?

(*d*) Have the Government any scheme in contemplation for giving employment to the detenus who will remain unemployed after their release?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*)(*i*) Rs. 2,59,195.

(*ii*) Credited to Government—Rs. 16,624; amount still to be realised and the value of finished products in hand—Rs. 25,106.

(*iii*) Mr. S. C. Mitter, B.SC. (ENG.), London, Director of Industries is in general charge.

(*iv*) 83 on the 8th September. Vacancies will be filled as soon as possible.

(*v*) The attention of the hon'ble member is invited to the communique issued by Government on the 1st September, 1936, on this subject.

(*b*) Up to date 241 detenus have completed their training, and been released and set up with capital advanced by Government. Five centres have been opened giving training in agriculture and industries

like umbrella-making, pottery, cutlery, and manufacture of mother-of-pearl buttons.

(*c*) None at present.

(*d*) No.

Road Development Projects of Rajshahi.

259. Maulvi MOSLEM ALI MOLLAH: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing the roads in the district of Rajshahi selected by the Special Officer, Road Board, to be immediately improved for their heavy traffic and administrative importance?

(*b*) Is it a fact that the District Board of Rajshahi has already approached the Government for financial grant for the improvement of their roads?

(*c*) If so, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of making any such grant to the Board?

(*d*) Will the Hon'ble Minister be pleased to state the yearly receipts from the Motor Petrol Tax?

(*e*) Does the District Board of Rajshahi get any grant out of the receipts?

(*f*) If the answer to (*e*) is in the negative, will the Hon'ble Minister be pleased to state whether any grant from the Motor Petrol Tax will be given to the Rajshahi District Board in the near future?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) The report of the Special Officer, Road Development Projects, has not yet been received.

(*b*) No.

(*c*) Does not arise.

(*d*) About Rs. 13 lakhs.

(*e*) and (*f*) No. Lump grants from the Petrol Tax Fund are not made to District Boards for the general purpose of improving their roads.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when this much expected report of the Road Development Special Officer will be available?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I think within a couple of months.

Dr. NALINAKSHA SANYAL: Does the Hon'ble Minister remember that in reply to a previous question some time ago he gave us an assurance that the report would be forthcoming within one month?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not remember what I said exactly, but I do not think it matters much if it is one month or two months.

Al-Haj Maulana Dr. SANAULLAH: On a point of information, Sir. I do not quite understand why in reply to a starred question of mine, namely, No. 256 at page 17 of the question papers, which concerns the Local Self-Government Department, the Hon'ble Revenue Minister has replied. May I know the reason.

Mr. SPEAKER: I think the question has been answered by the Minister in charge of the Scheduled Districts.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, as it is an excluded area it is under the Revenue Minister.

Certificates filed for rents in Noakhali.

260. Mr. SYED ABDUL MAJID: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the years 1934-35, 1935-36 and 1936-37 in the district of Noakhali—

(*i*) the total number of the certificates filed at the Hatiya, Sandwip and Char-Alexander *khas mahal* circles;

(*ii*) the number of the *khas mahal raiyati* holdings and tenures sold;

(*iii*) the number of certificates executed during May to October of the period with special reference to the Island circles; and

(*iv*) the number of certificates filed for the current year's rent in the *khas mahal* circles, especially in the Island circles?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The information cannot be supplied within the time available.

Supplementary Demand for Grant.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, before you proceed with the next item of business may I ask you to give us your ruling on one or two matters which will clear up the position so far

as the supplementary budget discussions are concerned. I will put all these questions at once so that the time of the House may be economised.

My first difficulty has been with regard to the period of 3 days that is required between the presentation of this budget under the rules and its discussion. May we know whether that requirement of 3 days will be complied with even if 3 clear days do not intervene.

My second question is, Sir, whether you would permit supplementary budget to be put in when the Public Accounts Committee that has been provided for under the rules and standing orders has not been constituted and had not had time to examine the expenditure of the province and further expenditure have not been approved of by them.

My third difficulty has been with regard to the provision for voted and charged expenditure; we have, for example, with regard to certain items, namely, the President and the Speaker's emoluments, passed the amounts *in toto* as voted amount. It has now been placed before us again partly as charged and partly as voted amount. I submit that when once we have passed the amount as voted there can be no necessity under the Act to put it again partly as voted and partly as charged. It will only reduplicate the work. But, of course, with regard to the items which have been formerly placed as charged but now placed as voted like the Official Assignee's amount, they are quite in order. But even here the difficulty lies in the fact that these expenses have already been authenticated by His Excellency and therefore cannot be re-opened.

My fourth difficulty has been with regard to Acts of the legislature which are termed as Finance Acts. I submit that by virtue of the Act of the legislature if the special provisions have been made and a certain amount of expenditure is provided for, that expenditure need not be covered over again by supplementary voting on demands for grant. It leads to a very anomalous position, Sir. We have in this House voted certain amounts in connection with certain items after discussions in the legislature. If that demand is again put to the House and supposing we vote against the provision it becomes a contradictory vote. I submit when once under an enactment which is a Finance Act we have voted for an expenditure the Accountant-General has got the authority to permit the expenditure, and no further voting on supplementary budget is necessary.

I would like to know your ruling, Sir, on these four points.

Mr. SPEAKER: There are one or two points which I would like to ask the Finance or any other Minister who may be concerned before I give my decision on them. My first point is that Standing Rule 121 (2) says "The Governor exercising his individual judgment shall allot one or more days not earlier than three days after the day allotted

for such presentation, (*a*) for voting on the demands for supplementary grants, or (*b*).....,.....". I want to hear Hon'ble Minister, Finance, or the Minister concerned whether there has been sufficient compliance with 121 (*2*).

My next point of difficulty as regards the voted and charged comes in, not on the point which Dr. Sanyal has raised but on another point which strikes me after the question has been put and that is: can this House take cognisance of any expenditure as charged unless it is so declared by an Act. Now the Act has not yet been passed by the Upper House and whether as such this House can take as a charged expenditure an amount which is still only contingent so far as the "charge" is concerned. In any case it has not received the Governor's assent and I do not know at what stage it is now.

The Hon'ble Mr. NALINI RANJAN SARKER: So far as the Ministers' salary is concerned that comes under the Act, but regarding the other the Act has not yet been passed.

The Hon'ble Khwaja Sir NAZIMUDDIN: The President's and the Speaker's salaries are charged but the travelling allowance and salaries of the members are not charged. Anything that is not charged should be provided for by a supplementary budget. As regards anything that is charged I am inclined to agree with Dr. Sanyal that you cannot have two votes.

Rai HARENDRA NATH CHOUDHURY: Our point is this: that so far as the President's and Speaker's salary is concerned this cannot be described as charged now in view of the fact that this Bill has not yet received the Governor's assent.

The Hon'ble Khwaja Sir NAZIMUDDIN: If those Bills do not receive the assent of the Governor then in that case there will be no occasion for expenditure of money and it will only be——

Mr. SPEAKER: Don't you, Sir Nazimuddin, see the difficulty that you are proposing to incur an expenditure but not putting it for the vote of the House.

Rai HARENDRA NATH CHOUDHURY: Our point of order is this; that by describing these expenditure as charged you are taking them away from the vote of the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not so, if I may submit. There are only two possibilities; one is that either this sum will have to be paid for under the provisions of the Government of India Act according to the amount fixed by His Excellency the

vernor—that is also charged—or in the other alternative it is going be paid according to the Act which is again charged. The question voting on this amount does not arise.

Mr. SPEAKER: What the Governor has fixed,—is that charged?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, it is charged cording to the Act. Whichever it is, it is going to be a charged nount, so that the question of voting does not arise. As regards e Speaker's and President's salary, that comes under section (3) (g), any other expenditure declared by this Act or any Act of e Provincial Legislature to be so charged. These two Bills propose make charged expenditure of the salary of the Speaker and the esident.

Mr. SPEAKER: My point is that till the Act is passed so far as e Speaker's and the President's salaries are concerned, can this be a harged item.

The Hon'ble Khwaja Sir NAZIMUDDIN: My submission is that ven if the charge is not agreed to, let it be a voted item.

The Hon'ble Mr. NALINI RANJAN SARKER: The Speaker's and ie President's salary is already a voted item.

Mr. SPEAKER: Mr. Sarker, do you agree that until the Act is assed it cannot be charged.

The Hon'ble Mr. NALINI RANJAN SARKER: I agree.

Mr. SPEAKER: That being so, may I take it that you are taking ut the demand regarding supplementary demand of the Speaker's and President's salary.

The Hon'ble Mr. NALINI RANJAN SARKER: I am prepared to ake it out.

Mr. SPEAKER: It will be open to the Government to take supplementary demand in the next session. As regards the question of days, has there been a sufficient compliance?

The Hon'ble Mr. NALINI RANJAN SARKER: I cannot say, but presented the supplementary demand on the 20th and to-day we are making the demands.

Rai HARENDRA NATH CHOUDHURY: Should we not then get more time?

Mr. SPEAKER: It is a highly technical matter and it requires probably a reference to the General Clauses Act. I think if the Hon'ble Home Minister is pleased to request the Advocate-General who, I see, is present, if he is willing to help me with his views I shall be grateful.

The Hon'ble Khwaja Sir NAZIMUDDIN: If the House do not want to discuss it to-day we might discuss it to-morrow and we might go on with the Tenancy Act.

Mr. SPEAKER: I think that will be better. As regards the question of Dr. Sanyal regarding the Public Accounts Committee on supplementary demands I think Dr. Sanyal does not know the function of the Public Accounts Committee. The Public Accounts Committee does not function till the Accountant-General prepares a report on the expenditure already incurred.

Dr. NALINAKSHA SANYAL: Is it not the practice, Sir, to place the supplementary expenditure before the Public Accounts Committee?

Mr. SPEAKER: I am afraid Dr. Sanyal is making a confusion between the Finance Committee and the Public Accounts Committee.

Rai HARENDRA NATH CHOUDHURY: So far as the demand for Official Assignee is concerned, that demand was voted by the Assembly and that has been included in the old budget and that has been authenticated by the Governor and still, because of a mistake, it is being brought forward as an uncharged expenditure for the vote of the House. How can the House vote twice on the same thing.

The Hon'ble Khwaja Sir NAZIMUDDIN: We have not voted but discussed.

Rai HARENDRA NATH CHOUDHURY: My point is this; that we have included it in the authenticated schedule of expenditure as charged expenditure. You wrongly advised the Governor to authenticate the schedule in respect of that and now you bring forward this expenditure for the vote of the House.

Mr. SPEAKER: Will you please write out your objection? In view of the fact that it is proposed to take this matter up to-morrow I would only say this much that if the Hon'ble Finance Minister thinks that the matter should be taken up to-morrow then a fresh order will be required from the Governor acting in his individual judgment; otherwise it cannot be taken up. So necessary steps will be taken and the matter will be proceeded with by the Hon'ble Finance Minister.

Mr. RASIK LAL BISWAS: Sir, may I make a submission? We the new members who have come to this House know, as also everybody else knows, the difficulties regarding questions whether they are in order or out of order and your ruling about this matter has come to us only recently. But we had to submit our amendments long before and our amendments are going to be out of order if you become very strict in this way. Most of our amendments then will be summarily finished and we would get little opportunity to place our view points. Therefore I submit that some latitude should be given to us this time as has been done in the cases of questions, Bills and other matters and you will kindly help us so that our amendments may not be out of order.

Mr. SPEAKER: As I said, nobody is more anxious to help the members than myself, because I feel the point which Mr. Rasik Lal Biswas has placed that at least at this early stage it is my duty to see that things are in their proper form, but I think even Mr. Rasik Lal Biswas will recognise the limitations of human nature and if one gets only two days for 1,700 amendments I do not think it will be possible for any one man to deal with 1,700 amendments and to put them in proper form. If, however, he wants to draw my attention to any particular amendment which he wants to put in form I will certainly look into the matter.

GOVERNMENT BILL.

Bengal Tenancy (Amendment) Bill.

Mr. DHIRENDRA NATH DATTA: Sir, with respect to clause 18 I have to say something.

Mr. SPEAKER: I would ask you to draw my attention when clause 18 is taken up. In the meantime if it is not on the agenda will you please mention the matter to Secretary.

I had better adjourn the Council for prayers now and after the adjournment clause 11 will be taken up.

At this stage the House was adjourned for 15 minutes.

(*After Adjournment.*)

Clause 11.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, with reference to this clause I have a short notice amendment suggesting the deletion of sub-clause (2) of clause 11.

Mr. SPEAKER: I think there is no objection to this amendment being moved as notice has been given of this amendment by quite a number of members.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I formally beg to move that sub-clause (2) of clause 11 be deleted.

The motion was then put and agreed to.

Rai HARENDRA NATH CHOUDHURY: Sir, I beg to move that in clause 11(1) in line 1 for the word "landlord" the words "landlord of an under-raiyat" be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I think it is quite unnecessary and redundant. It is clear from the section that "landlord" cannot mean anything else.

The moion was then put and lost.

The motion that clause 11, as amended stands part of the Bill, was put and agreed to.

Mr. SASANKA SEKHAR SANYAL: Sir, may I ask you to kindly put these matters in such a way that most of the members may follow. I must frankly admit that you, Sir, have always been very kind to guide us in understanding the matter under discussion but since yesterday a feeling has grown up that you too, Sir, who is the most cautious person in this House, seem to be in a hurry.

Mr. SPEAKER: Mr. Sanyal, I am ery sorry for this remarks of yours and I have yet to know how better the guiding can be done by anybody else; because so far as this clause is concerned, sub-clause (2) has been deleted and with regard to the first clause the amendment proposed was of a very formal nature. If there are members who do not understand this, it is beyond my limits to make them understand

Mr. SASANKA SEKHAR SANYAL: Sir, what I have submitted is with regard to the future clauses that will be coming up.

Clause 12.

Babu NAGENDRA NATH SEN: Sir, I beg formally to move that for clause 12 the following be substituted, namely:—

"12. In section 48F of the said Act for the words 'but shall not be transferable except with the consent of the landlord' the words 'and shall be transferable like any other immoveable property subject to the conditions hereinbefore and hereinafter enacted' shall be substituted."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to point out that this amendment is outside the scope of this Bill. It is also difficult to follow the implications of this amendment.

Mr. SPEAKER: Mr. Sen, you will see that section 48F of the Tenancy Act remains as it is except that certain provisions are added to it.

Babu NAGENDRA NATH SEN: I may submit, Sir, that with reference to clause 13 which amends sub-section (2) of 48G, in section 26A which makes the occupancy-raiyat holdings transferable, there is some reference that it is not recoverable by virtue of that section and the amendment proposed by clause 13 deals with that. I therefore submit that my amendment is perfectly in order.

Mr. SPEAKER: It would have been in order if you had put it in a slightly different form.

Rai HARENDRA NATH CHOUDHURY: Sir, I think I have put it in the proper form in my revised amendment which is printed in Part III.

Sir, may I be permitted to explain the point? The Hon'ble mover of this Bill suggests by clause 12 that certain words be inserted and with the insertion of those words the amended 48F section will read as follows:—

"The holding of an under-raiyat shall descend in the same manner as other immovable property but subject to the provisions of sub-section (2) of section 48G shall not be transferable except with the consent of the landlord."

We understand that that amendment if given effect to will make an occupancy under-raiyati holding transferable without the consent of the landlords. Mr. Biswas's amendment, also seems to me not very happily worded so I would suggest that instead of adding any words in the present section it should be made clear by a proviso in the following words that occupancy under-raiyati holdings would be transferable like occupancy-raiyati holdings:—

"Provided that the holding of an under-raiyat who has a right of occupancy shall be transferable in the same manner as the holding of a raiyat with occupancy right."

Mr. SPEAKER: But I think you will have to add the further words "subject to the provisions of section 48G (2)."

Rai HARENDRA NATH CHOUDHURY: I would not refer to section 48G (2) because it is a better practice to make an amendment as independent and self-contained as possible. Section 48F says that no under-raiyati holding can be transferred without the consent of the landlord. My amendment only adds to the exception.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, my amendment seeks to confer the right of transferability on occupancy under-raiyats without the consent of the landlord and it makes an exception with regard to all other under-raiyats.

Mr. SPEAKER: Rai Harendra Nath Choudhury's amendment is exactly the same.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Should not Mr. Rai Choudhury's amendment mention section 48G?

Mr. SPEAKER: If you look to section 48F of your draft you will find the words that "subject to the provisions of section 48G (2)" a tenancy shall be transferable. But under section 48G (2) that is not merely transferable but there are other things as well. Mr. Rai Choudhury wants to retain the other rights and liabilities in section 48G and he wants to bring in here section 48F only, so far as the under-raiyats are concerned.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is difficult for me to say anything about Rai Choudhury's amendment without further examination. I can say that Mr. Rai Choudhury's amendment is in order but it is dangerous to accept it without further examination. I would stick to my own amendmeut.

Rai HARENDRA NATH CHOUDHURY: I beg to move that for clause 12, the following be substituted, namely:—

"12. To section 48F the following proviso shall be added, namely:—

Provided that the holding of an under-raiyat who has a right of occupancy shall be transferable in the same manner as the holding of a raiyat with occupancy right."

The object of my amendment is to make the position perfectly clear. It is recognised in Parliamentary practice that an amendment should be as much independent of the other clauses as possible. So I do not refer to section 48G. My amendment and clause 12 suggest the same thing. My amendment clearly makes the occupancy under-raiyati holdings transferable like occupancy raiyati holdings. If that be the object of clause 12 of the Bill, then certainly that object will be much better achieved by my draft because I do not at all interfere with the words of the present section and import any reference to another section. The disability that is mentioned in the present section 48F remains but that disability is taken away by way of an exception made in favour of occupancy under-raiyats by the proviso that I have suggested. I think, therefore, that my draft is a better draft and so I would request the Hon'ble Member in charge of the Bill to accept it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have already explained my position. I do not agree with Mr. Rai Choudhury but think that the Government draft is equally clear. I would prefer to stick to my own draft.

The motion was put and lost.

The question that clause 12 stands part of the Bill was put and agreed to.

Mr. SURENDRA NATH BISWAS: I hope the Hon'ble Minister will agree that this amendment should come in under section 48G (2). If you refer to section 26G which has been amended, you will find that the Hon'ble Minister has taken out that section from the exception clause. Section 26G does not refer to the relationship between the landlord and the tenant. So if the words "his immediate landlord" are allowed to remain, then the rights and privileges conferred under section 26G will be automatically denied to under-raiyats, because this sub-section will read that the under-raiyat will be entitled to enjoy all the rights and liabilities of a raiyat as regards his immediate landlord only. Section 26F does not refer to landlord, so if the words "his immediate landlord" be taken out the intention becomes clearer

and there will be no legal disputes in a court of law. The under-raiyat will be entitled to enjoy the rights under section 26G which the Hon'ble Minister wants to give him.

Mr. SPEAKER: Do you realise that sections 26A to 26J are being omitted?

Mr. SURENDRA NATH BISWAS: Yes, but the under-raiyat is allowed to enjoy all the rights and liabilities of a raiyat other than those conferred under sections 20, 21 and 22.

Mr. SPEAKER: The point of Mr. Biswas is that an under-raiyat with a right of occupancy has got a certain relationship with the mortgagor. If you retain the words "his immediate landlord" the net effect is that he will be deprived of the privileges of that section. That is his contention.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The idea is to limit it to his immediate landlord and not to give him any right against the landlord of his landlord.

Rai HARENDRA NATH CHOUDHURY: But how does that arise?

Mr. SURENDRA NATH BISWAS: Yes, how does it arise? The relationship is between tenant and tenant and between raiyats and under-raiyats. Then how can this dispute arise between the raiyat and the under-raiyat?

Mr. SPEAKER: Sir Bijoy, have you anything to say whether his contention is within the scope of the Bill?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My point is this, that in section 26G we are only giving certain rights to under-raiyats, and that right is this, that he should have the right of transferability with certain exceptions. That should be only with regard to his immediate landlord, and we do not propose to extend that right to his superior landlord. That is why I maintain that this amendment really extends the scope of the Bill.

Mr. SPEAKER: Do you want Sir Bijoy, to deprive the under-raiyat with occupancy rights, i.e., an occupancy under-raiyat, of the right given in section 26G?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I draw your attention to section 49 of the Act? (Mr. SANTOSH KUMAR BASU: The whole Bill is a '49' Bill.) (Mr. SURENDRA NATH BISWAS: The Bill is '49.')

Rai HARENDRA NATH CHOUDHURY: Sir, but the Hon'ble Minister has changed section 26G.

Mr. SPEAKER: Section 26G is exactly the same as was originally moved by you.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think, Sir, it will not really affect his right.

Mr. SPEAKER: I think, Mr. Biswas, that section 49 will meet your point.

Mr. SURENDRA NATH BISWAS: Not exactly, Sir.

Mr. SPEAKER: In any case I do not hold that it is beyond scope.

Rai HARENDRA NATH CHOUDHURY: On a point of order, Sir. You will please remember that when it was proposed by Mr. Nagendra Nath Sen to introduce the under-raiyat in section 26G under clause 6, you ruled that out of order, because chapter V did not refer to his amendment.

Mr. SPEAKER: But I have already ruled that Mr. Biswas's amendment is in order, and I am now asking him to move it.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 13 before sub-clause (1) the following be inserted, namely:—

(*a1*) the words "as regards his immediate landlord" shall be omitted.

When you have once allowed me to move this amendment, I hope, Sir, you will also kindly allow me to move a short-notice amendment for the deletion of the words "as against such landlord" in sub-clause (*m*) of sub-section (*2*) of section 48G. This escaped my notice, and I submit that these words also ought to go out, inasmuch as it is a consequential amendment.

Rai HARENDRA NATH CHOUDHURY: That is exactly the case.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think it is consequential. It is, on the contrary, a substantial amendment——

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister entitled to intervene when I am in possession of the House?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a point of order? Mr. Biswas did not give any notice of his amendment, and it being a short-notice amendment I have had no time to consider the matter.

Mr. SURENDRA NATH BISWAS: If you would kindly allow me to move this amendment, Sir——

Mr. SPEAKER: It is very difficult for me to find out off-hand whether it is consequential or not. It is a highly technical matter.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I again rise, Sir, on a point of order. In view of sub-section (*iii*), Mr. Biswas's amendment practically means nothing.

Mr. SPEAKER: Even if there be nothing in it, it is not out of order.

Mr. SURENDRA NATH BISWAS: Section 26G has been so amended as to give retrospective effect to the indebtedness of a raiyat-debtor so far as the usufructuary mortgage is concerned, and the House has accepted that amendment. and that section stands amended. So, if the words "as regards his immediate landlord" be omitted from section 48G, it does not harm the interest of the raiyat or the under-raiyat. On the other hand, if it is not deleted and if it is allowed to remain in section 48G, the legal question will arise as to whether an under-raiyat will be allowed to enjoy the rights and privileges conferred by section 48G. That is, Sir, why I am moving this amendment, so that in future no legal question may arise in the law courts. That is the only purpose of my amendment.

Mr. SPEAKER: What about your amendment No. 585?

Mr. SURENDRA NATH BISWAS: I do not move it, Sir.

Mr. RASIK LAL BISWAS: Sir, I beg to move that clause 13(2) be omitted.

I expected that the Hon'ble the Revenue Minister himself would move a short-notice amendment in this matter, as he is an expert in this matter and is reinforced by a large number of Secretaries, etc., to help him. Here, Sir, the matter is to give the right of surrender to the under-raiyat, and it is clear in the Bill itself; but by taking away the figure '86' in clause 13(2) you are taking away practically that right of surrender.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not taking away, but I am giving that right of surrender.

Rai HARENDRA NATH CHOUDHURY: Sir, I, too, have got an amendment under clause 13, but it has not been printed and perhaps left out by mistake.

Mr. SPEAKER: I will just see to it.

Mr. RASIK LAL BISWAS: Sir, the right of surrender has been given to under-raiyats under section 86 of the Act, and if section 85A is put in here, then that right is taken away.

Rai HARENDRA NATH CHOUDHURY: Surely.

Kumar SHIB SHEKHARESWAR ROY: On a point of order, Sir. I do not find in the Bengal Tenancy Act any section such as section 85A.

Rai HARENDRA NATH CHOUDHURY: It is a new "proposed" section.

Kumar SHIB SHEKHARESWAR ROY: Never mind. It is printed so in the Bill. Unless we dispose of section 85A——and it is said here "said Act"——we cannot take up these clauses.

Mr. SPEAKER: But consequential changes will be made.

Kumar SHIB SHEKHARESWAR ROY: Sir, this amendment cannot be moved at all as this section is not in the Act itself.

Mr. SPEAKER: I would remind the Kumar Sahib of a famous dictum that Parliament can do everything except making a man woman and a woman man!

Mr. SANTOSH KUMAR BASU: Then, Sir, there is some hope for us.

Mr. SPEAKER: The amendment of Rai Harendra Nath Chaudhuri is number 1588 and will be found in part V, which has just been handed over to me, and it runs as follows: 'That for clause 13, the following shall be substituted——

"in sub-section (*2*) of section 48G of the said Act".', and so on.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have not seen the amendment as yet, Sir, and I am afraid I have got to object to the moving of this amendment.

Mr. SPEAKER: Let him move first, and then you can object.

Mr. SARAT CHANDRA BOSE: I am afraid, Sir, the Hon'ble Minister is breaking all Parliamentary practice.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise on a point of order, Sir, and I do not think now I can be criticised by Mr. Sarat Chandra Bose in spite of the fact that he is the Leader of the Opposition. My point of order is that amendment has just been handed over to me and I have had no time to examine what it is, and on this ground I object to this amendment being taken up to-day.

Mr. SPEAKER: I do not think, Sir Bijoy, you can object on the ground that it has just been handed over to you, because in a matter where more than 1,700 amendments have got to be dealt with, I said definitely that Government must have to accept responsibility for the consequence. (Cries of "Hear, hear" from Congress members). And in spite of the fact that you had two sub-deputy collectors, four upper-division clerks, six typists, and another six clerks in addition to our staff, I mean the Assembly Department staff, these things were left out, and we found out too late that this was left out, and as soon as I found it out I immediately ordered these things to be separated and to be printed up.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Do you want me, Sir, to take responsibility with regard to an amendment which I have had no opportunity of seeing even?

Mr. SPEAKER: In that case, I shall have to adjourn the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: All right, Sir. If necessary, it will have to be done. I have no objection.

Mr. SANTOSH KUMAR BASU: May I point out, Sir, how many times the Hon'ble the Revenue Minister has not handed over to us short-notice amendments of his? Though it is not a short-notice amendment of ours, to start with, as notice was given duly—but it was not printed for some reason or other. And it does not lie in the mouth of the Hon'ble the Revenue Minister to raise any objection now after having decided to bring in his Bill in this form and asking us to go

through his bunch of short-notice amendments every now and then. Therefore, Sir, the Hon'ble the Revenue Minister, if I am not guilty of using an un-Parliamentary expression, must stew in his own juice.

Mr. SPEAKER: I think the best course under the circumstances would be for me to adjourn the House for half an hour, during which time the copy of this amendment will be circulated.

Mr. SARAT CHANDRA BOSE: I hope, Sir, during that interregnum the Hon'ble the Revenue Minister will derive inspiration from other quarters!

Mr. SPEAKER: Unless Government say that they are prepared to agree to an adjournment of the House and do nothing till to-morrow, I am quite prepared to take up any other section which may be pointed out to me.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope, Sir, you will also realize the difficulty of Government, because it is impossible for them to decide one way or the other with regard to an amendment unless they can go through it very carefully, and with regard to short-notice amendments moved on behalf of Government, I trust the Opposition will realize that Government's short-notice amendments were not accepted until the notices of those amendments were circulated, and even in some cases their consideration was postponed by a day.

(At this stage there was confusion and considerable uproar in the chamber.)

Mr. SPEAKER: Order, order. I think, Sir Bijoy, if you go through this list of amendments, then I am sure you will find that it will take you not more than 10 minutes to study them.

Mr. SANTOSH KUMAR BASU: Then, you are too optimistic, Sir, with regard to Sir Bijoy!

Mr. SPEAKER: In the list you will find that as regards clause 14 there is only one extra; as regards clause 15, there is only one extra; and the same is also the case with regard to clause 16.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But, Sir, I have not studied those things at all and do not know what they are even!

Mr. SPEAKER: I think that in view of the fact that you are not ready to take up this amendment, I have no other alternative but to adjourn the House for half an hour, during which time, as I have suggested before, the amendment may be circulated, unless, of course, you want me to take up any other section.

Maulvi ABDUL BARI: May I submit one point to you, Sir? The matter under discussion is not only one between the Hon'ble the Revenue Minister and my friend Rai Harendra Nath Choudhury. It concerns the whole House. Unless amendments are circulated in time, how can the House consider each of them properly? However long the matter might take, it is desirable that we should have a thorough discussion of all the amendments.

Mr. SPEAKER: Mr. Bari, I hope you will realize that, so far as I am concerned, I am prepared to sit as many days as the members like, but you will also realize the fact that we are in the midst of a Bill which a good number of members of this House are anxious to finish, and if I am to adjourn the House and do nothing to-day, which would mean the loss of two to three hours, in respect of a matter for which only the limitations of human nature were responsible, I am quite prepared to do that. But I hope that you on your part will realize the consequences.

Maulvi ABDUL BARI: The question before the House is whether short-notice amendments should be accepted or not.

Mr. SPEAKER: I hope you will also realize that it is not a matter of short-notice amendment. Perhaps, Mr. Bari was having a little nap while I was speaking a few minutes ago.

(Mr. SANTOSH KUMAR BASU: Wake up, Mr. Bari; wake up!)

The fact is that these amendments were duly given notice of, and in spite of the fact, as I said, that a very large staff dealt with them, yet they were not able to do anything more than thereby sort them out and these amendments escaped them. When I found this out, I immediately got these things printed up and it has come up to the House in the form of part V, and several sections of the Act are involved there. And in view of this I am prepared to take this step of adjourning the House to which the Hon'ble the Revenue Minister is also agreeable.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think it will take a little time to examine these amendments and as some of the members of this side of the House are not prepared to support or oppose these amendments without careful examination it will be fair not to take up the consideration of these amendments to-day. If that necessitates the adjournment of the House now, I would prefer that.

Mr. SPEAKER: I do not want to waste three hours to-day. All I want to do is to leave these amendments for discussion to-morrow. In the meantime we will take up the other clauses.

The amendments to clauses 14 and 16 were not moved.

Clause 17.

Kumar SHIB SHEKHARESWAR ROY: I beg to move that clause 17 be omitted.

From a landholder's point of view this is perhaps the most injurious clause of the Bill. I appeal to the members of the House to sit as judges and take a dispassionate view of the real situation. Sir, the zemindars have to pay revenue to the Government at the end of every three months along with the tenants' share of the road and education cesses. They have to make these payments irrespective of their ability or otherwise to realise their dues from the tenants. Famine, flood or pestilence is no excuse for the non-payment of revenue or cesses on the fixed date. Now, Sir, the ability to regularly realise rents and cesses from the tenants depends on the condition of the raiyats which is again dependent on climatic condition of the country. Even with the most cordial relationship subsisting between the landlords and the raiyats, the circumstances often make it impossible for the tenants to pay their rents to the landlords. The landlord is compelled to give time to the tenants and wait for better times. Sir, the Bengal tenants specially the cultivator raiyats are very good pay masters. When in affluence they consider it a sinful thing not to pay the rent. Their attachment to their landlord is of exceptionally high order. Black sheep there are both among landholders and tenants. But they constitute a minute fraction of the total number.

In the majority of cases the landholders do not charge any interest if the rents are amicably realised out of court. So, Sir, for practical purposes, as a source of income, the provision of interest is of trifling importance to the landholder. But from the view point of zemindari management and regular realisation of arrears this provision of interest is of immense value to the landholder. First of all the fear of interest charge is a great incentive for payment of arrears as soon as they fall due. In the next place the remission of interest as a concession is very helpful in realising long standing arrears.

If this rate of interest payable on arrears is lowered to a level which is at least 75 per cent. less than the prevailing rate of interest in the villages, all fear of prompt payment of arrears will vanish. The defaulter tenant will not think of paying the arrears until his other debts bearing a higher rate of interest are paid off.

Sir, the trend of recent tenancy legislation and the general attitude of the legislature towards the landholders have considerably depreciated the market value of zemindaries. It is now almost impossible for a landholder to raise a loan on 6 per cent. Cautious banking concerns as a rule do not advance loans to zemindars. We have to borrow from private mahajans and the rate of interest now in vogue usually ranges between 9 per cent. and 15 per cent. Such being the case, the lowering of the rate of interest on arrears of rent will mean ruin to many landholders without bringing any real relief to the tenants. I therefore suggest that this amendment for the omission of clause 17 may be accepted.

Mr. SPEAKER: Amendments Nos. 612-626 are beyond the scope of the Bill and they therefore go out. I might explain here that this Bill suggests reduction of interest. But the amendments want total abolition of interest: therefore they are outside the scope of the Bill. If you had made it one per cent. then they would have been in order.

Mr. ABU HOSSAIN SARKAR: There is no limit in reduction: it may be brought to a nil.

Mr. SPEAKER: I do not agree with your mathematical definition of "zero".

Mr. MANMATHA NATH ROY: I beg to move that in clause 17 in line 2 for the words "six and a quarter" the words "five" be substituted.

This would be in accordance with the Statement of Objects and Reasons of the Bill which is to lessen the burden of the cultivators. I do think the retention of 12½ interest is an anachronism and it seems to me that 5 per cent. is an adequate compensation for delay in payment of rent. I need not say anything more.

Mr. J. W. CHIPPENDALE: I beg to move that in clause 17 in line 2 for the words "six and a quarter" the word "nine" be substituted.

The reason why I move this amendment is this. This rate of interest of 12½ per cent. was introduced in the original section not by way of accident but intentionally. It is not a random measure that was passed due to any pressure brought to bear upon the House in order to insert these words in the Act. If you turn to rule 152 of chapter V of the Bengal Government Estates Manual you will find the reason there. Government charges 12½ per cent. interest on arrears of rent from khas mahal tenants and also on cesses and miscellaneous demands, and not only that; when they so desire they realise interest under the Public Demands Recovery Act at 12½ per cent. up to the

filing of the certificate. If therefore Government takes 12½ per cent. interest on arreas of rent and on cesses and on public demands from their tenants why should the landlord be refused his 12½ per cent. interest on arrears of rents due to him? The proper thing for Government to do is to reduce the rate of interest they realise from their own tenants and thereafter reduce the interest that the landlords take from their tenants. Instead of doing that they now desire not only to take away the rights of the zemindars but to cripple them in every possible way. This suggested reduction to 6¼ per cent. has really no basis and there is no reasonable ground and no principle underlying this clause. The landlords must be supported. If Government can demand 12½ per cent. from their tenants why should the interest in the case of landlords be reduced to 6¼ per cent.?

Another consideration is this: The interest of 12½ per cent. is maintained not so much for the purpose of realising the interest from the tenant but for inducing him to pay promptly. We all know and it is a matter of common knowledge and admitted even in law courts that when the interest is high people pay up as quickly as they can and therefore the underlying principle why the rate of interest should be kept at 12½ per cent. is that the landlords may realise their rents promptly. My amendment, if I may say so, is the lesser of the two evils; namely, if the rate of interest be reduced to 9 per cent., although it may not satisfy the landlords, it will at any rate minimise the injustice done to them by taking away only 3½ per cent.

Voices from the Coalition Group: What is the principle?

Mr. J. W. CHIPPENDALE: The principle lies in the prompt payment by the tenant. If Government are taking 12½ per cent. why should not the landlords take 9 per cent.?

Mr. SPEAKER: Mr. Biswas, I think your amendment is wholly redundant in view of section 178(1) of the Bengal Tenancy Act which says "Nothing in any contract between a landlord and a tenant made before or after the passing of this Act shall affect the provisions of section 67 relating to interest payable on arrears of rent."

Mr. RASIK LAL BISWAS: Then, Sir, I do not want to move my amendment.

Babu NAGENDRA NATH SEN: I would respectfully refer to proviso (*i*) to section 178 and also to my amendments Nos. 1463 and 1464, which are in Part IV. It has been held by the Hon'ble High Court with regard to this proviso that nothing in this section shall

Sir, the trend of recent tenancy legislation and the general attitude of the legislature towards the landholders have considerably depreciated the market value of zemindaries. It is now almost impossible for a landholder to raise a loan on 6 per cent. Cautious banking concerns as a rule do not advance loans to zemindars. We have to borrow from private mahajans and the rate of interest now in vogue usually ranges between 9 per cent. and 15 per cent. Such being the case, the lowering of the rate of interest on arrears of rent will mean ruin to many landholders without bringing any real relief to the tenants. I therefore suggest that this amendment for the omission of clause 17 may be accepted.

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This would be in accordance with the Statement of Objects and Reasons of the Bill which is to lessen the burden of the cultivators. I do think the retention of 12½ interest is an anachronism and it seems to me that 5 per cent. is an adequate compensation for delay in payment of rent. I need not say anything more.

Mr. J. W. CHIPPENDALE: I beg to move that in clause 17 in line 2 for the words "six and a quarter" the word "nine" be substituted.

The reason why I move this amendment is this. This rate of interest of 12½ per cent. was introduced in the original section not by way of accident but intentionally. It is not a random measure that was passed due to any pressure brought to bear upon the House in order to insert these words in the Act. If you turn to rule 152 of chapter V of the Bengal Government Estates Manual you will find the reason there. Government charges 12½ per cent. interest on arrears of rent from khas mahal tenants and also on cesses and miscellaneous demands, and not only that; when they so desire they realise interest under the Public Demands Recovery Act at 12½ per cent. up to the

to render any benefit to the tenants. It is only an eye-wash to show that Government is doing some beneficial work to the tenants. In these circumstances I appeal to the Revenue Minister to see that section 68 is either amended soon, or if it is possible to issue a notification he should do that so that not more than 5 per cent. can be claimed by the zemindars or to take action in any other way to provide that the damages may be reduced; otherwise there will be little effect by reducing interest here in this section.

Moreover, Sir, I do not understand the attitude of the Coalition group in this matter. Some of their members Maulvi Hafizuddin Chowdhury and Khan Sahib Hamiuddin Ahmad—I think they belong to the Coalition group—have tabled amendments reducing the rate of interest, in one case to two and a quarter and in another case to three rupees. I do not understand why they are not moving them if they had any intention to do any benefit to the raiyats. We had some amendments but they have been disallowed or ruled out of order. I do not know the fate of the amendments that have not been printed in this book but I think they are also out of order. If the Coalition group have made any common cause with the landholders then they will oppose it. It is for that reason I think they have not moved their amendments. I think they will now realise what they are doing and how far the effect of my amendment will be beneficial to the tenants.

With these few words, Sir, I move my amendment and I hope the whole House will accept it.

Babu NAGENDRA NATH SEN: Sir, before the year 1928 there were different rates of interest with regard to contract made after the passing of the Bengal Tenancy Act of 1885. No rate of interest in excess of 12 per cent. was allowed. In the year 1928 there was an attempt to make the rate of interest uniform, that is 12½ per cent., and I think the Hon'ble Revenue Minister will bear me out that in the year 1928 while amending section 67 and section 178 the proviso to the latter section that "nothing in this section shall affect the terms or conditions of a lease granted *bona fide* for the reclamation of waste land....." escaped the attention of the legislators and as a matter of fact with regard to contract in which there were provided rates of interest at more than 12½ per cent. they also escaped our attention and those tenants on whose behalf those contracts have been made have been made to pay by orders of the court interest at more than 12½ per cent. Now the intention of this amending Act of 1937 is to reduce the rate of interest uniformly and I think there can be no objection on the part of the Hon'ble Revenue Minister to accept the amendment.

As regards the question of the reduction of the rate of interest there can be no two opinion so far as this side of the House is concerned and the Coalition group is concerned. With respect to the zemindars and other landed interests and with regard to the Anglo-Indian community and the European community the matter will be otherwise but so far as the Proja-Krishak Coalition group and the Congress group are concerned they ought to be unanimous in this matter. So far as the question of rent is concerned whether ordinary tenure holders or *mukrari* raiyats or occupancy raiyats or under-raiyats and any other reclamation tenure holders the matter is the same, they are all entitled to a reduction of rent and that one uniform rate of interest should prevail all over the country. With these words, Sir, I commend the amendment of my friend for the acceptance of the House.

Mr. ABU HOSSAIN SARKAR: Sir, I make the best use of a bad bargain by supporting the amendment of Mr. Manmatha Nath Roy. Now, Sir, we on this side of the House, I mean the Krishak-Projas, are opposed to give any interest to our blessed landlords and to that effect we proposed some amendments but unfortunately those amendments were ruled out of order. I would like to make quite clear that though we support this amendment of 5 per cent. interest to be given to the landlords we, at our hearts, do not at all, want to pay any kind of interest. As all our amendments are ruled out of order we are compelled to support the minimum rate proposed by Mr. Manmatha Nath Roy. I know, Sir, and I think this House also knows that the tenancy of Bengal are not defaulters by nature. It is a chronic disease in Bengal either to have famine or flood or drought and for want of subsistence the poor tenancy cannot clear up arrear rent. If again in that condition interest is allowed at higher rates that becomes practically oppressive, and this higher rate of interest is taking away the vitality of the poor tenants of Bengal. If we compare the bank rates and the savings bank rate with the higher rate of interest claimed by the landlords we shall see that these landlords are taking away what is not their right. Savings bank claim 3½ per cent. or even lower rate of interest and bank rates are lower but these landlords are claiming interest at higher rates without depositing any money anywhere. At the same time they can claim damages at a very high rate.

Now Sir, if this high rate of interest is allowed, the landlords will get themselves richer and richer and the poor tenants in Bengal will be ruined by their avarice. I submit therefore that this 5 per cent. interest is though very high, yet for want of any other amendment I am compelled to support this. I expected that my friends in the Coalition group would stick to their amendments some of which wanted to reduce the rate, but I am sorry to find that at the time of

battle they have all fled. At least I expected some opposition from my Maulana friends, who, according to the strict sense of the Muhammadan law, are opposed to any kind of interest but I am sorry again to find no such amendments are fothcoming. The interest of 5 per cent. is though high I place before the House very humbly that this House should support the amendment at least, partly to alleviate the sufferings of the tenantry. With these words, Sir, I support the amendment moved by Mr. Manmatha Nath Roy.

Maulvi ABDUL BARI: Sir, I oppose the motion moved by the Kumar Sahib of Taherpur. I am surprised and not a little amazed that even in these days the Kumar Sahib would like to be like Shakespeare's Shylock that he will get——

Mr. SARAT CHANDRA BOSE: Whom does he refer to, Sir?

Maulvi ABDUL BARI: Shakespeare's Shylock.

Mr. SARAT CHANDRA BOSE: We know that there was somebody of the name of Shakespeare and not Sixpeare.

Maulvi ABDUL BARI: I am not here to learn the pronouncing of words from anybody even from Mr. Sarat Chandra Bose and let him not teach me how to pronounce words; (MR. SANTOSH KUMAR BASU: Because he is incapable of being taught) we can also teach and do not like to be taught.

I was just going to say that even to-day the Kumar Sahib wants to take the full 12½ per cent. interest from the tenants. The Kumar Sahib seems to be the last remnant of the gallant group of landlords who fought so hard for the retention of landlord's transfer fee and the right of pre-emption only a few days back on the floor of this House. It seems that his gallant compatriots finding themselves disappointed and absolutely hopeless have now relegated themselves to the back benches and do not want to come forward but the Kumar Sahib still wants to fight. We heard him saying that sweet relationship exists between the landlords and tenants. Is this the sign of sweet relationship that he wants to exhibit to people when the tenants of Bengal are so much rack-rented, when they are crying hoarse over the redress of their grievances, the Kumar Sahib wants his full 12½ per cent. interest from the tenants. Are these the grounds on which he wants us to believe that the relationship that exists between the landlord and the tenant is very happy and sweet? Therefore the

Kumar Sahib should think twice before he proclaims before the House and outside that he should realise 12½ per cent. interest from the tenants. As has been stated by my friend, Mr. Abu Hossain Sarkar, and so far speaking for myself I would not only stop at 6 per cent. but we shall very soon see that all interests must go. As a Mussalman myself I am opposed to any interest. My law, my teaching and the sermon of my Prophet teach us that any man who takes interest and any man who gives interest is equally condemnable. Therefore Sir, so far as we ourselves are concerned, we are against this principle. Of course, this principle applies to a place where there is a Moslem Kingdom but we are living in a place where this is not applied and therefore we have got to adopt the principle of give-and-take and that is the reason why we find ourselves between Scylla and Charybdis. So far as the Government Bill is concerned it does not help the tenant. At least the next section 68 allows that the zemindars will be entitled to realise 25 per cent. as damages and there is no amendment to that section and I should like very much that the Hon'ble Revenue Minister will kindly make amends by legislation very soon to give effect to this by repealing that section or modifying it as he finds suitable. Generally we find that the zemindars do not claim interest so much as they claim damages by bringing suits and these damages are awarded by Courts. We find therefore that neither the acceptance of the motion moved by Government nor the acceptance of the motion before the House will help the tenants substantially in any manner.

Sir, in replying to a remark by Mr. Rasik Lal Biswas to the effect that the members of the Coalition group have joined hands with the members of the Opposition, I may tell him that if the members of the Opposition had joined hands with the members of the Coalition group particularly with regard to the passing of the Tenancy Act, then I think it would not have been necessary to extend the time of the House and discuss the provisions of the Bill at length—it might have been passed in two days' time. As obstruction has been applied we have to go through all the provisions. I may tell also my friend, Mr. R. L. Biswas, that it was not surprising, if not amazing, that we found yesterday that the Maharaja Bahadur and the Kumar Sahib walked into the same lobby with the members of the Opposition. That shows wherein lies the coalition—it is a coalition between the Congress and the zemindars.

Sir, so far as the amendment of Mr. Surendra Nath Biswas is concerned, by the amendment he has proposed by repealing the section 48G, he has made the lot of the tenants more miserable (A VOICE: Question). In the division on that question the Kumar Sahib and the Maharaja Bahadur of Mymensingh walked into the same lobby with

the Opposition group. Therefore we have reason to apprehend that the members of the Opposition are fighting much less for the tenants——

Mr. ATUL KRISHNA GHOSE: Sir, I rise on a point of order. Is Mr. Bari in order in referring to individual members and speaking on certain irrelevant matters?

Maulvi ABDUL BARI: Sir, I have already submitted my arguments against the motion of the Kumar Sahib of Taherpur.

Sir, so far as the motion of Mr. Manmatha Nath Roy is concerned in which he wants to reduce the rate of interest to 5 per cent., I do not say that it is acceptable. Personally, so far as I am concerned, if anyone had moved for the deletion of section 67, then I would certainly have welcomed it. So far as this section is concerned, the point is whether you want to have things gradually or whether you want to have them in a day. You must also remember that Rome was not built in a day; this House was not also built in a day and the wrong that has been perpetrated on the tenants for centuries will take time to be redressed. I admit, Sir, that this Bill helps us to some extent but not to an entire extent. We expect, however, that the overhauling of the whole Bengal Tenancy Act will come in and we expect that it will soon come in (A VOICE: When?). If my friends co-operate with us it will come at the very next session. There are some Bills submitted by private members which have been referred for eliciting opinion thereon. I believe some of them will come up at the next session when I hope that my friends will co-operate with us. The time that elapses between the introduction of the Bill and the time we have for discussing it might be utilised by the zemindars to think of their position. If I may be permitted to refer to a motion tabled by the Leader of the Opposition, namely, to take away the zemindary of the zamindars, and the Government to purchase it and distribute the lands amongst the tenants, I may say that if such a day comes we shall certainly welcome it. Let the zemindars gather strength in the meantime as the day may come very soon when they will find themselves like ourselves, tenants, and nothing more than that. For the time being let them wait and bear up.

Adjournment.

The House was then adjourned till 3 p.m. on Friday, the 24th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 24th September, 1937, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Old scheme madrasahs.

*271. **Maulvi ABDUL WAHED:** Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government contemplate to aid the old scheme madrasahs from provincial revenues?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The present policy of Government is to encourage reformed madrasahs, but Government are not precluded from making grants-in-aid to old type madrasahs in special cases where circumstances justify such grants.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the exact implication of the term "where circumstances justify such grants"?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very difficult to give a comprehensive idea. Various factors, e.g., utility of institution, the manner in which it is being conducted, the nature of the instruction, imparted and all such matters are taken into consideration as well as the needs and requirements of the locality where the institution exists.

Maulvi MUHAMMAD ISRAIL: Is there any madrasah in Bengal except the Calcutta Madrasah which gets any grant at present

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir. There is one in the district of Bakarganj and there is another which is under consideration and which will be receiving grants very soon.

Alleged wrongful detention of prisoners in Darjeeling Jail.

*272. **Khan Sahib Maulana AHMED ALI ENAYETPURI:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware that some prisoners were detained more than the due period in Darjeeling Jail in the years of 1935, 1936 and 1937?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many prisoners had to overstay annually; and

(*ii*) for how many days?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): No prisoners were wrongly detained in 1935 and 1937. One prisoner was wrongly detained in 1936 for 1 month and 29 days owing to the omission on the part of the committing court to send the warrant for release on bail to the jail.

Babu NAGENDRA NATH SEN: How could this error creep in? Was there any commitment order along with the prisoner when sent to jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: We admit it to be an error but as to how it was done, I ask for notice.

Mr. SYED JALALUDDIN HASHEMY: What action has the Government taken against the committing court for this sort of error and what compensation has been given to the prisoner in question?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as we know the then Government took no action and gave no compensation.

Appointment from Subordinate Educational Service to provincial grade.

*273. **Mr. ABDULLA-AL MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any temporary lecturer in Subordinate Educational Service was appointed as permanent incumbent in the provincial grade?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state under what rule such permanent appointment was made?

(*c*) If there is no such rule, will the Hon'ble Minister be pleased to state what was the reason for such appointment?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes; there were 8 such appointments.

(*b*) According to the Provincial Service Recruitment Rules or the Bengal Educational Service Recruitment Rules.

(*c*) Does not arise.

Mr. ABDULLA-AL MAHMOOD: How many of these 8 appointments were made last year?

The Hon'ble Mr. A. K. FAZLUL HUQ: I ask for notice.

Number and names of Congress organisations under ban in Midnapore.

***274. Mr. NIKUNJA BIHARI MAITI:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to lay on the table the number and names of the Congress organisations banned in the district of Midnapore and the dates of their being so banned?

(*b*) Will the Government be pleased to withdraw these bans as soon as possible so that the legitimate political activities of the district be not hampered?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is placed on the Library table.

(*b*) The matter will receive consideration.

Mr. NIKUNJA BIHARI MAITI: Is there a ban on any other Congress organisation in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe there are on some institutions—one in Comilla and I believe one in Faridpur.

Sj. Ananta Kumar Bhattacharyya, of Saidabad.

***275. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state the circumstances under which Sj. Ananta Bhattacharyya, of Saidabad, post-office Khagra, district Murshidabad, was arrested more than five years' ago and the condition under which he is still kept under custody?

(*b*) Is it a fact that Sj. Ananta Bhattacharyya was never connected with any act of terrorism, overt or otherwise, and he has been punished with certain terms of imprisonment for technical offences, and was even sent to the Andamans?

(*c*) Is it a fact that Sj. Ananta Bhattacharyya has for a long time been suffering from various ailments and his health has been virtually ruined?

(*d*) Will the Hon'ble Minister be pleased to state whether Government is in a position to set Sj. Ananta Bhattacharyya at liberty forthwith?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state when and under what conditions the said young man can hope to be a free man again?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) Ananta Kumar Bhattacharyya was arrested under the Bengal Criminal Law Amendment Act, 1930, for his connection with an association of which the objects and methods include the commission of an offence included in Schedule I of the Act. He absconded while in detention and was convicted and sentenced to a term of imprisonment. While serving his sentence in jail he committed various offences including intimidation and assault and was convicted and sentenced by courts of law. He is now serving out the sentences imposed by the courts. He was deported to the Andamans but has recently been repatriated to Bengal. He has done some harm to himself by frequently refusing food and his health is poor.

(*d*) No.

(*e*) On the expiry of the sentences imposed on him.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that Ananta Bhattacharyya had never had any overt act of terrorism done at any stage of his long career of imprisonment or outside?

The Hon'ble Khwaja Sir NAZIMUDDIN: All I can say is that he was convicted for a breach of jail discipline and assault.

Dr. NALINAKSHA SANYAL: Is it a fact that no prisoner who is not convicted of acts of terrorism or acts connected with terrorism are sent out to the Andamans and may I know the reasons why this particular prisoner was sent there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: What are the reasons for the sentences imposed, what is the nature of the offences and what is the unexpired portion of his sentence?

Mr. SPEAKER: The first portion of the question is not relevant but the last portion is, to which a reply may be given.

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Babu NAGENDRA NATH SEN: With regard to questions (*a*) to (*c*), what is the name of the association mentioned?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: What is the particular section of Schedule I of the Bengal Criminal Law Amendment Act that is referred to in the reply?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Accidents to human beings and animals due to electrocution under D. C. and A. C. currents, respectively, in Calcutta and the adjoining municipalities.

***276. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state for every year ending on the 30th June since 1933:—

(*i*) the number of domestic consumers of D.C. and A.C. electric current supply under the Calcutta Electric Supply Corporation within the jurisdiction of Calcutta Corporation and the municipalities immediately adjoining; and

(*ii*) the number of accidents to human beings and animals due to electrocution under D.C. and A.C. currents, respectively, leading to (1) deaths, (2) permanent disabilities, and (3) injuries?

(*b*) Is the Hon'ble Minister aware that a robust young man of 27 years of age named Monimohan Ghosal, of Kasba, Ballygunge, died on the 18th May last due to electrocution, and that considerable panic prevails in the Ballygunge area due to the dangers apprehended from the supply of high voltage A.C. current in the area?

(*c*) What steps do Government propose to take in order to prevent the recurrence of such mishaps and to allay the apprehensions of the people residing in the areas served with high-tension A.C. current?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) I have no such information.

(*ii*) A statement is laid on the table showing the fatal and non-fatal accidents which occurred in Bengal during the period from the 1st July, 1932, to the 30th June, 1937, due to the system of A.C. and D.C. supply. I have no information as to which of the non-fatal accidents resulted (*a*) in permanent disabilities and (*b*) in injuries.

(*b*) Yes, I am aware of the death of Babu Monimohan Ghosal, of Kasba, Ballygunge. I am also aware of a condition of discontent prevailing in the Ballygunge area due to the A.C. system of supply.

(*c*) It is not possible for Government to take any action to prevent totally the occurrence of accidents, which may be due to several causes, such as misadventure, negligence, faulty installation, leaky apparatus, etc. To minimise accidents Government have brought rule 48 of the Indian Electricity Rules, 1937, into force in several districts and have framed rules for the periodical inspection of electrical works in the province. Facilities have also been provided for the services of Electric Inspectors for inspecting and testing installations at a low charge. I also propose circularising consumers with a list of precautions that they should take in connection with their electric supply to minimise the risk of accidents. I would like to add that it is difficult to reduce the number of accidents unless consumers make a genuine attempt to co-operate by insisting on good work when an installation is first fitted, and maintaining it properly and having it tested periodically.

Statement referred to in the answer to clause (a) (ii) of starred question No. 276, showing the number of persons and animals involved in electrical accidents throughout Bengal, as reported to the office of the Chief Electric Inspector to the Government of Bengal.

Year ending 30th June.	For the period 1st July, 1932, to 30th June, 1937.							
	Direct current.				Alternating current.			
	Human beings.		Animals.		Human beings.		Animals.	
	Fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.
1933 ..	1	23	Nil	Nil	9	14	2	Nil
1934 ..	1	11	1	1	1	19	5	Nil
*1935 ..	1	12	1	Nil	7	11	1	Nil
1936 ..	1	21	2	Nil	7	20	Nil	Nil
1937 ..	1	22	2	Nil	12	25	8	Nil

*In this year, in addition, one fatal accident to a human being occurred whilst working on a post which supported both A. C. and D. C. live wires.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*), regarding the verious causes of accident, does the Hon'ble Minister consider the desirability of asking the Calcutta Corporation not to renew the contract between the Electric Supply Corporation and Calcutta Corporation which has expired very recently?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that there is any connection whatsoever between misadventure, negligence, faulty installation and leaky apparatus and any suggestion to the Calcutta Corporation not to renew the contract?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in view of the very large proportion of fatal and non-fatal accidents under alternating current, Government propose to stop the use of high voltage alternating current in the suburbs of Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: I think the hon'ble member is a little bit under a mis-apprehension. The figures that are given with regard to fatal and non-fatal accidents do not refer only to Calcutta but to the whole of Bengal.

Dr. NALINAKSHA SANYAL: Even in that case the figures show that while the average fatal accidents under direct current is one per year the average figure under alternating current comes to 12 in 1937—may we enquire whether Government propose, in view of this serious state of affairs, to stop the alternating current?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, and I ought to give the reason for it. The reason is that the alternating current is considered by Engineers to be the best and the most efficient form of current and it is displacing direct current all over the world. One of the reasons why there is such a discrepancy between the numbers is possibly that only in a portion of Calcutta you have direct current, while throughout Bengal we have alternating current.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that at Rajshahi, Berhampore and several other stations there is a direct current and not an alternating current?

The Hon'ble Mr. H. S. SUHRAWARDY: My impression is just the reverse.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister correct his impression and let us know whether the number of consumers of direct current exceeds the number of consumers of alternating current by 75 to 80 per cent.—

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot correct my impression here without looking into the files and as regards the number of consumers of direct and alternating currents I do not think it is possible for Government to ascertain them.

Dr. NALINAKSHA SANYAL: May I draw the attention of the Hon'ble Minister to the report of Government itself of 1910, where the Electrical Adviser said that by the extended use of alternating current real danger to life must result and also replies of a series of questions by Mr. S. M. Bose enquiring whether in view of the expert opinion of Government they are going to take any action in this respect to save human life?

The Hon'ble Mr. H. S. SUHRAWARDY: I am aware of all these and I am also aware of several other publications where alternating current has been recommended in place of direct current. As regards the reply to (*c*), Government have taken action for the purpose of minimising accidents and I am still further exploring the possibilities of reducing accidents.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in other countries of the world that he has mentioned where alternating current is used for domestic purposes the voltage is never permitted to exceed 120 volts and is he also aware that in an expert journal in Great Britain it was stated that it was not desirable to permit more than this voltage for domestic purposes except in Eastern countries where native lives were not considered valuable?

The Hon'ble Mr. H. S. SUHRAWARDY: When a question was asked of me in the other House I had not had this information with regard to 120 or 220 volts, but since then I have made an inquiry and find that the impression that in other countries the voltage for domestic consumption is 120 volts and not 220 or 230 volts, is incorrect.

Mr. DEBENDRA LALL KHAN: Is the Hon'ble Minister aware that even in Tokyo they use 110 volts and not 220?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not a question of any particular place. I have taken the figures out of the Electricity Manual for practically the whole of the world, and I find that in the majority of cases the voltage for alternating current is 220 to 230.

(Dr. Nalinaksha Sanyal again rose to ask a supplementary questio when the Speaker intervened.)

Mr. SPEAKER: I cannot allow you, Dr. Sanyal, to roam over a the world quoting from electrical journals. I will call the next que tion.

Dr. NALINAKSHA SANYAL: But, Sir, it is a very importa question.

Delay in holding elections to the Tala Union Board.

***277. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'b Minister in charge of the Public Health and Local Self-Governme Department aware—

(*i*) that the vacancies caused by the death of three elected membe of the Tala Union Board in the district of Khulna within t last one year or more have not yet been filled up by electio and

(*ii*) that the date of such election had been fixed by the Circ Officer, North Circle of Satkhira subdivision in the distri of Khulna some time in January last, but the said electi could not be held on account of the postponement *sine d* of the date of the said election by the said Circle Officer?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'b Minister be pleased to state—

(*i*) what are the reasons for the postponement; and

(*ii*) whether the Hon'ble Minister is considering it desirable to inst tute an enquiry into the matter of delay in holding election

MINISTER in charge of PUBLIC HEALTH and LOCAL SEL GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Naush Ali): (*a*) (*i*) Yes.

(*ii*) and (*b*) The District Magistrate is making an enquiry into t reasons for the delay in holding the bye-elections. The report of h enquiry is being awaited. In the meantime the District Magistra has already directed the Subdivisional Officer to hold the bye-electio without delay.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister pleased to state the exact date or dates for holding the bye-elections?

The Hon'ble Maulvi SYED NAUSHER ALI: No, Sir, I am n aware of the date.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that the Chairman of the District Board is a resident of the thana in question?

Mr. SPEAKER: What has that got to do with this question?

Mr. SYED JALALUDDIN HASHEMY: I am coming to the question, Sir.

Mr. SPEAKER: You had better.

Mr. SYED JALALUDDIN HASHEMY: Is he aware of the fact that in order to accommodate the said Chairman the District Magistrate himself played a part in not holding the elections so long?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware of the state of things stated in any of the two questions.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that the transfer of the District Magistrate is long overdue?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Then, Sir, I will ask another supplementary question. Does the Hon'ble Minister consider the desirability of postponing the inquiry in view of the fact that the District Magistrate is going shortly to be transferred from the district?

The Hon'ble Maulvi SYED NAUSHER ALI: I have already stated that the District Magistrate is making an inquiry. So, I do not think it is not necessary for him not to make the inquiry.

The Journal "Mazdoor."

*278. **Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Press) Department be pleased to state—

(*i*) whether the weekly *Mazdoor* is a weekly journal devoted to the cause of labour;

(*ii*) whether it dealt particularly with Trade Union matters;

(*iii*) whether on the 10th July, 1936, an order was passed by th Government of Bengal on this paper to deposit Rs. 500;

(*iv*) whether as a result the journal had to cease publication;

(*v*) whether the offending article was an appeal to the workers t hold meetings and demand release of Sj. Subhas Bose;

(*vi*) whether Sj. Subhas Bose is an ex-President of the Trade Unio Congress and to several unions in Bengal and Bihar;

(*vii*) whether the Government is aware of the slender resources o labour journals in this country; and

(*viii*) whether the suspension of the journal has not effectively gagge the voice of labour in Bengal.

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the names of other labour journals which had to suspend pub lication for their inability to deposit security money;

(*ii*) whether Sj. Subhas Bose has been since released uncondi tionally;

(*iii*) whether the weekly *Mazdoor* has never been convicted of sedi tion or any other section of Press Act; and

(*iv*) whether the Government will now cancel that order on th weekly *Mazdoor*?

(*c*) If the answer to (*b*) (*iii*) is in the negative, will the Hon'bl Minister be pleased to state what are the reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) It professed to be a labour organ.

(*ii*) Trade Union matters formed only a small portion of its subject-matter.

(*iii*) Yes.

(*iv*) It ceased publication after that order.

(*v*) Yes, but it contained matters which were considered actionable under section 4 (*1*) (*d*) of the Indian Press (Emergency Powers) Act of 1931.

(*vi*) Yes.

(*vii*) and (*viii*) No.

(*b*) (*i*) A list is laid on the table.

(*ii*) Yes.

(*iii*) It was never convicted before but was warned on more than one occasion for publishing objectionable matters.

(*iv*) and (*c*) The matter is now under my consideration.

Statement referred to in the answer to clause (o) (i) of starred question No. 278, showing labour organs which suspended publication subsequent to demand of security.

1. *Karkhana.*
2. *Chasi Mazur.*
3. *Sankalpa.*
4. *Jangi Mazdoor.*
5. *Gana Nayak.*
6. *Marx Panthi.*
7. *Mazdoor Dunia.*
8. Weekly *Mazdoor.*

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the authority that had warned this particular journal on several occasions and whether that warning was under the law?

The Hon'ble Khwaja Sir NAZIMUDDIN: The authority must have been the Press Officer, I believe, and it was a friendly warning.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*v*), is the Hon'ble Minister aware of the fact that whenever this journal has condemned the policy of Government in detaining Mr. Subhas Chandra Bose, the Press Officer had either warned the editors or had demanded security?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that is correct, Sir.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that my Bengali monthly journal *Pradip* has been warned several times simply because of the fact that it condemned the detention of Mr. Subhas Chandra Bose?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not proper, Sir, to contradict an honourable member of this House when he makes a statement himself, but Sir, I am sure, that if the honourable member were to look up the offending article he would find that the warning was given not in respect of an article regarding the release of Mr. Subhas Chandra Bose but because it contained matters which, in the opinion of Government, were likely to cause trouble.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if under the new regime Government has changed its policy about the permission to labour journals to function independently?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, as long as labour journals do function properly, i.e., labour leaders bring out their newspapers in the case of genuine labour, there will be no occasion for Government to take action against them.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister give us some assurance that the Press Officer of the Government of Bengal will refrain from repeating this sort of warning like village school masters?

Mr. SPEAKER: That question does not arise.

Prosecutions under the Indian Forest Act.

*279. **Al-Haj Maulana Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Forest and Excise Department kindly state—

(*a*) What is the annual number of (*i*) successful and (*ii*) unsuccessful prosecutions for offences under the Indian Forest Act, 1927, and the Rules and Regulations made thereunder in the district of Chittagong for the years 1930, 1931, 1932, 1933, 1934, 1935, 1936 and the half year of 1937?

(*b*) What is the annual amount of reward given to (*i*) private informants, (*ii*) forest guards and (*iii*) others, in those years in this connection?

(*c*) How many of these offenders are (*i*) males, (*ii*) females, (*iii*) Hindus, (*iv*) Muslims, (*v*) Budhists, (*vi*) young men below 20 and (*vii*) old men above 60 in each year?

(*d*) How many of these offences were committed in Sadar A, B and Cox's Bazar subdivision in each year?

(*e*) What is the number of prosecutions in the police-stations of (*i*) Hathazari, (*ii*) Fatickcheri and (*iii*) Raozan, year by year?

MINISTER in charge of FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*), (*b*), (*c*), (*i*) to (*v*), (*d*) and (*e*) A statement is laid on the Library table.

(*c*) (*vi*) and (*vii*) Information about the classification of offenders as young and old is not available.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state whether the statement laid on the library table would form part and parcel of the proceedings of this House, and whether that statement will be retained in the library for purposes of reference by members?

Mr. SPEAKER: I cannot consider this question just now. If it is of any importance, I might consider it later on.

Detenu Subimal Sarkar, B.Sc. (Eng.).

***280. Mr. SURENDRA MOHAN MAITRA:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) whether Subimal Sarkar, B.SC. (ENG.), was an earning member of his family contributing towards the maintenance of his aged and invalid parents before his arrest in October, 1932;

(*ii*) whether he had at first been granted a fortnight's leave and then he applied for an extension for a fortnight more to see his ailing father at Rajshahi but was brought down to Calcutta (Presidency Jail) in June, before any reply to his application for the extension of leave reached him;

(*iii*) whether his application for the second extension was rejected before his transfer to the Presidency Jail; and

(*iv*) if so, the reason why a timely reply was not given?

(*b*) Will the Hon'ble Minister be pleased to state whether Government contemplate taking him back to Deoli or interning him or releasing him conditionally in the near future with an adequate allowance?

(*c*) Is it a fact that his aged and invalid parents have not been granted any allowance?

(*d*) Is the Hon'ble Minister aware that the aged parents were dependent upon the monthly contribution made by the said detenu before his arrest?

(*e*) If the answers to (*c*) and (*d*) are in the affirmative, are the Government considering the desirability of granting an adequate allowance to his parents according to their status?

The Hon'ble Khwaja Sir NAZIMUDDIN: Attention is invited to the reply which I gave on the 10th September, 1937, to an identical question asked by Mr. Satya Priya Banerji.

Total number of Bengali gentlemen and ladies now in detention under Regulation III of 1818 and the Bengal Criminal Law Amendment Act.

***281. Mr. BIRENDRA NATH MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to lay on the table a statement showing the total number of

Bengali (*i*) gentlemen, and (*ii*) ladies, who are at present in detention without trial under the Bengal Regulation III of 1818 and the Bengal Criminal Law Amendment Act?

(*b*) How many of them are—

(*i*) detained in Bengal jails;

(*ii*) detained in jails outside Bengal;

(*iii*) kept in detention camps inside Bengal;

(*iv*) kept in detention camps outside Bengal;

(*v*) interned at home; and

(*vi*) interned in outside villages?

(*c*) Will the Hon'ble Minister be pleased to state the names of the districts where those jails, detention camps and villages, as the case may be, are situated?

(*d*) How many in Bengal, if any, are restrained in their movement—

(*i*) between sunset and sunrise; and

(*ii*) day and night?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) The hon'ble member is referred to the reply to a similar unstarred question to be asked by Rai Harendra Nath Chaudhuri at this meeting.

(*c*) There are detenus in the Presidency, Dacca and Barisal Jails and occasionally in other jails. There is a detention camp at Berhampore and there are quarters for detenus in village domicile in every or nearly every district in the province. There are also detenus in Deoli Jail.

(*d*) The information cannot be collected without an undue expenditure of time and labour, which, I regret, Government cannot undertake.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state with reference to answer (*d*), whether the expenditure in this case would be more than the cost of the Darjeeling exodus?

Mr. SPEAKER: That question does not arise.

Mr. BIRENDRA NATH MAJUMDAR: Will the Hon'ble Minister be pleased to state the number of ladies who are at present detained in jail under Regulation III of 1818 or the Bengal Criminal Law Amendment Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are none under Regulation III of 1818, and—I am speaking from memory and am subject to correction—there are about 8 to 9 detained under the Criminal Law Amendment Act.

Mr. BIRENDRA NATH MAJUMDAR: Will the Hon'ble Minister be pleased to state if all these ladies are detained in one jail or in separate jails?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am certain, Sir, this question has been answered before, but, again am speaking from memory, I may say that there is one female detenue in jail and the rest are either in village or in home domicile.

Mr. BIRENDRA NATH MAJUMDAR: Will the Hon'ble Minister be pleased to state if he can, from his memory, where Miss Lila Nag of Dacca is detained?

The Hon'ble Khwaja Sir NAZIMUDDIN: In Midnapore.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Trenching ground of Khulna Municipality.

261. Maulvi WALIUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government and Public Health Department aware—

(*i*) that a trenching ground at Sonadanga has been created by the Khulna Municipality;

(*ii*) that it has been created against the recommendations of the Public Health Department; and

(*iii*) that the said trenching ground is causing great injury to the health and sanitation of the locality?

(*b*) Is the Hon'ble Minister considering the desirability of giving effect to the recommendations of the Public Health Department?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) Yes.

(*ii*) The selection of the site was not strictly in accordance with the recommendations of the Public Health Department, but when the site was actually selected by the local authorities and practically laid out as a trenching ground the Public Health Department after taking into consideration all the circumstances of the case, approved the use thereof as a trenching ground on certain conditions.

(*iii*) The District Magistrate reports that there is no indication that the trenching ground is causing any injury to the health and sanitation of the people of the locality.

(*b*) This does not, strictly speaking, arise. But Government will certainly take steps to see that the conditions mentioned in answer to (*a*) (*ii*) are complied with.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state how it is possible for the District Magistrate to know the peculiar conditions under which the health of the people of the locality will suffer, when there it was not prejudicial to the health and sanitation of the locality?

The Hon'ble Maulvi SYED NAUSHER ALI: The report, Sir, is based on a personal inquiry made by the District Magistrate himself.

Mr. PROMATHA RANJAN THAKUR: Did he live in that locality?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Is the Hon'ble Minister aware that the matter was carried up to the Divisional Commissioner and that there was an inspection and that after inspection it was decided that it was no prejudicial to the health and sanitation of the locality?

The Hon'ble Maulvi SYED NAUSHER ALI: That fact, Sir, has not been brought to my notice.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he considers it necessary to take expert opinion from some of the responsible officers of Government in the Public Health Department in coming to a conclusion in a matter like this?

The Hon'ble Maulvi SYED NAUSHER ALI: Expert opinion, Sir, has already been taken, and experts have given the opinion as I have already stated in my reply.

Administration of the wakf estates.

262. Mr. SADARUDDIN AHMED: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) what steps have been taken up to date under the Bengal Wakf Act, 1934, for the proper administration of the *wakf* estates in Bengal; and

(*ii*) what steps have been taken by the Advisory Committee of the Amirannessa Khatun Wakf Estate of Gopalpur, police-station Kalkini, district Faridpur, constituted by the Commissioner of Wakfs by his No. 6016-20, dated the 1st December, 1936, for saving the estate from sales of certain of its properties in rent sales at Madaripur and Barisal civil courts and revenue sales and cess certificates and payments of rents and revenue for which suits and execution cases are pending at Barisal, Faridpur and Madaripur and for general administration of the estate?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*i*) All the provisions of the Bengal Wakf Act have been brought into operation in Bengal and action against maladministration of *wakfs* brought to light is being taken.

(*ii*) The Committee of administration of the Amirunnessa Wakf Estate have not yet submitted any report.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state the number of reports of cases of maladministration of wakf estates for the year 1936?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would like to have notice, Sir, for I could not say this off-hand.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister consider the desirability of facilitating the administration of wakf estates?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is a matter primarily for the Commissioner of Wakfs.

Collective fines from Hindus of Chittagong.

263. Mr. MAHIM CHANDRA DAS: Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) the exact amount that was realised from the Hindu *bhadraloks* of the district of Chittagong as collective fines in 1933, 1934 or thereabout;

(*ii*) the heads in the budget for the years concerned under which the money was credited;

(*iii*) whether there was an understanding or assurance that the amount or at least a substantial portion of it would be spent for the benefit of the people of Chittagong; and

(*iv*) whether Government are prepared to set apart a substantial sum out of this collective fine or from the General fund towards the improvement of the Chittagong College and the Khastagir Girls' School?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) I understand that the sum of Rs. 74,088-1 was realised.

(*ii*) "General Police Fund."

(*iii*) No. A substantial portion was paid as compensation to those who suffered from the outrage at Pahartali Railway Institute.

(*iv*) No, but Government will consider making a special grant to the district for rural development.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to throw some light whether any portion of this amount were spent on spies, if so, how much?

Mr. SPEAKER: I do not allow that question.

Dr. NALINAKSHA SANYAL: Is it a fact that an assurance was given that the amount collected would be spent on works of general public good in Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes: Sir, a communique on those lines was published.

Dr. NALINAKSHA SANYAL: May we inquire on what work of general public good money out of this General Police Fund was contributed?

The Hon'ble Khwaja Sir NAZIMUDDIN: There has not been any contribution, so far, Government said that they would consider the question of contribution provided it got the co-operation and support from the local people in putting down terrorism in Chittagong district.

Dr. NALINAKSHA SANYAL: Is it not a fact, Sir, that terrorism has been completely rooted out, if there was at all any reason to believe that terrorism was ever there?

The Hon'ble Khwaja Sir NAZIMUDDIN: All I can, say, Sir, is that I am astounded at this question, but it has not been completely rooted out.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state under what authority the funds raised were appropriated to the General Police Fund?

The Hon'ble Khwaja Sir NAZIMUDDIN: Under proper authority, Sir.

Babu NAGENDRA NATH SEN: I respectfully submit, Sir, that that is not an answer. "Proper authority" is no answer to my question.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not carry everything in my head. Sir.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state why only Hindu *bhadralogs* were made to pay the fines?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because it was then considered that it was they who had chiefly the responsibility for the existence of terrorism in that district.

Mr. RASIK LAL BISWAS: How did the Hon'ble Minister come to know that it was the Hindus who were responsible?

Mr. SPEAKER: You invited it by your question when the Hon'ble Minister answered it.

Establishment of Saadat College at Karatia.

264. Mr. A. M. ABDUL HAMID: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total expenditure incurred in lands and buildings for the establishment of the Saadat College at Karatia in 1926 and the Government contribution for that purpose;

(*ii*) the average grant-in-aid allowed to each of the non-Government colleges throughout the Presidency;

(*iii*) the average amount of grant-in-aid per student per annum in such colleges;

(*iv*) the amount per head of the students granted to the Saadat College from the provincial revenues;

(*v*) the practice of determining the amount of grant-in-aid in proportion to the total income of the institution from all sources excluding Government grant but including tuition fees; and

(*vi*) the proportion of Government grant to Saadat College to such income?

(*b*) If the proportion is less than the average, will the Hon'ble Minister consider the desirability of increasing the recurring grant-in-aid to this institution and to make provision for the same in the current year's budget or at least in the revised budget?

(*c*) Will the Hon'ble Minister be pleased to state the total expenditure incurred by the college authorities up to the year 1936-37 for the establishment of and in running the institution and what has been the contribution from Public Revenue including Imperial grant, if any, during this period?

(*d*) If the contribution from public fund was quite inadequate in proportion to the total expenditure, will the Hon'ble Minister consider the desirability of giving a special consideration to this institution for adequate grant-in-aid for the purpose of encouraging private enterprise?

(*e*) Is it a fact that the accommodation in the hostel attached to the Saadat College is quite inadequate?

(*f*) Is it a fact that Government has not contributed anything for the establishment of the existing hostels?

(*g*) If the answer to clause (*f*) is in the negative, or is found to be of a very paltry amount, will the Government be pleased to bear the entire expenditure for the extension of the hostel accommodation and for repairing the existing hostel buildings?

(*h*) If the Hon'ble Minister is not prepared to bear the entire cost referred to in clause (*g*), will the Government be pleased to bear the maximum proportion under the existing rules, that is two-thirds of the entire cost?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) There is no definite information on the point. No contribution was asked for from Government.

(*ii*) and (*iii*) Statements are placed on the Library table.

(*iv*) Rs. 15·6 is granted per head of the students per annum, to the Saadat College from the Provincial Revenues.

(*v*) The amount of grant is determined with reference to the amount contributed from private sources and the amount that is actually needed by the institution to maintain an approved scale of expenditure, subject to the proviso that the grant should not exceed half of the amount to be contributed from private sources. But the maximum grant is not sanctioned to an institution as a matter of course.

(*vi*) The proportion of Government grant to Saadat College to the total income of the institution excluding Government grant but including fees is roughly 1 : 5.

(*b*) The proportion is less than the average in some of the aided colleges, but higher than that in others: the question, therefore, does not arise.

(*c*) There is no information on this point. As stated in reply to (*i*) above, the college first applied for a Government grant in 1930. The following grants were received by the institution during 1930-1931 to 1936-1937:—

1930-1931—

(*i*) Recurring	Nil.
(*ii*) Non-recurring	Nil.

1931-1932—

(*i*) Recurring	Nil.
(*ii*) Non-recurring	1,400 3,000 (for laboratories and general purposes).

1932-1933—

(*i*) Recurring	Nil.
(*ii*) Non-recurring	9,000 (lump grants).

1933-1934—

(*i*) Recurring	3,600
(*ii*) Non-recurring	Nil.

1934-1935—

(*i*) Recurring	3,600 plus 200 (lump).
(*ii*) Non-recurring	1,500 for library and gymnasium).

1935-1936—

(*i*) Recurring	3,600 200 (lump).
(*ii*) Non-recurring	1,500 (library, gymnasium and hostel).

1936-1937—

(*i*) Recurring	3,600
(*ii*) Non-recurring	1,500 (library, hostel and gymnasium).

(*d*) In view of reply to clause (*c*), this question does not arise.

(*e*) and (*f*) Yes.

(*g*) This matter is already under the consideration of Government

(*h*) In view of answer to (*g*) above, this question does not arise

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware tha the public in general, Hindus and Moslems, feel keenly the need o B.A. classes in Karatia?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government consider tha it will be a very useful institution.

Grievances of the fishermen of Kartikpur.

265. Mr. DHIRENDRA NATH DATTA: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware of the Government rule that in settling fisheries preference should be given to a co-operative society of fishermen, and, in the absence of such a society leases should be given to one or more selected fishermen?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact that Bedharganj fishery publicly known as Kartikpur fishery in the district of Faridpur has been leased to Maulvi Giasuddin Ahmed Choudhury and others, *zamindars* of Kartikpur, for the year 1937-38 in spite of the fact that one Kobbatali, a *bona fide* local fisherman, was an applicant for the lease?

(*c*) Is it a fact that the lease was given to the said Kobbatali by the Subdivisional Officer, Madaripur, Mr. Smith, on an annual rent of Rs. 1,200 after making due enquiries?

(*d*) Is it a fact that the above sum of Rs. 1,200 was paid in advance and was deposited in the Government treasury?

(*e*) Will the Hon'ble Minister be pleased to state that the lease to Kobbatali was cancelled by the District Magistrate, Faridpur, contrary to the instructions of the Government as embodied in the rule as to settling fisheries?

(*f*) Is the Hon'ble Minister aware—

(*i*) that all along the above Bedharganj fishery has been leased to the *zamindars* of Kartikpur in spite of the fact that there were *bona fide* local fishermen applicants;

(*ii*) that the fishermen of the districts of Faridpur, Bakarganj, Dacca and Tippera have been making representations to their respective District Magistrates, Subdivisional Officers and Commissioners of the Divisions as to the various acts of oppressions committed by the lessees of the fisheries in the above districts who are not *bona fide* fishermen;

(*iii*) that enquiries were made by responsible Government officers and the grievances of the fishermen were found to be true; and

(*iv*) that about 10,000 fishermen residing in the neighbourhood of Kartikpur fishery have left the area on account of the oppressions they are subjected to by the lessees Maulvi Giasuddin Ahmed Choudhury and others?

(*g*) Has the attention of the Government been drawn to an article headed "Fishermen's distress" in the *Ananda Bazar Patrika*, dated the 21st *Sraban*, 1933 B.E., Calcutta edition, enumerating the grievances of the fishermen and the oppressions to which they are subjected to by the lessees of the fisheries who are not *bona fide* fishermen?

(*h*) Is the Government prepared to remedy the grievances of the fishermen of the locality of Kartikpur by cancelling the lease to Maulvi Giasuddin Ahmed Choudhury and others, *zamindars* of Kartikpur, and by giving lease to the *bona fide* fisherman Kobbatali?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes, *vide* rule 259 of the Bengal Government Estates Manual.

(*b*) The fishery known as the Bhedarganj fishery in the district of Faridpur has been leased on a rent of Rs. 4,000 to Maulvi Giasuddin Ahmed Choudhury and others, the previous lessees, for the year 1937-38. It is a private fishery attached under section 146, Criminal Procedure Code, under the management of the Collector as Receiver to which the above rule does not apply. One Kobbatali was another applicant. On enquiry it appeared that he was not a *bona fide* fisherman but a middleman dealing in fish; and no substantial ground for giving him preference could be established.

(c) No, but Kobbatali was the highest bidder at an auction held by the Subdivisional Officer without the authority of the Collector.

(d) Yes.

(e) The bid by Kobbatali was considered as void by the Collector because the auction was held in error without due authority. The application of Kobbatali was then taken into consideration with others on its merits.

(f) (i) No.

(ii) Yes.

(iii) The allegations were found to be untrue.

(iv) Beyond the fact that some fishermen have left the area, I have no information to show the truth of the allegations.

(g) Government have seen the article referred to.

(h) Government are prepared to enquire into any grievances which appear to be founded on fact. But they are not prepared to cancel the lease granted to Maulvi Giasuddin Ahmed Choudhury and others.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (e), will the Hon'ble Minister be pleased to tell us whether the lessees Maulvi Giasuddin Ahmed Choudhury and others are *bona fide* fishermen?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, they are not.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state if Government tried to bring in *bona fide* fishermen as applicants?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Nobody came forward. That is our information.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state with reference to answer (iv) who enquired into those allegations?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The District Magistrate I believe.

Babu KSHETRA NATH SINGHA: Is the Hon'ble Minister aware of the fact that the real fishermen of the place are leaving their hearth and home owing to the oppression of the Kartickpur zemindars?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not the information of Government.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the Government are prepared to enquire into the grievances and the oppression that have been enumerated in the *Ananda Bazar Patrika* of 21st *Sravan*, 1933?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are prepared to enquire into the grievances which appear to be founded on facts.

A member: Will the Hon'ble Minister be pleased to state whether it is a private fishery and the Kartickpur zemindars are the real owners of it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a private fishery.

Mr. SYED JALALUDDIN HASHEMY: Is it the policy of Government to give lease to *bona fide* fishermen?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: To *bona fide* fishermen if they are available.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he is aware that this Maulvi Giasuddin Ahmed Chaudhuri is a member of this House or not?

Mr. SPEAKER: I think the member himself knows it. It is not in the special cognizance of the Minister.

Hijole area in Murshidabad.

266. Mr. SASANKA SEKHAR SANYAL: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that there is an area known as Hijole in the district of Murshidabad partly within the Sadar subdivision and partly within Kandi subdivision covering more than ten thousand acres of culturable land;

(*ii*) that the annual overflow of water from the rivers Dwarka, Mourakshi, and Kopai *alias* Kua inundates this vast tract of land submerging paddy and other crops and causes huge loss to the agriculturists; and

(*iii*) that a small diversion channel falling into the Bhagirathi could protect the crops from this inundation and considerably improve the economic outlook of a large number of people?

(*b*) Will the Hon'ble Minister consider the desirability of investigating the matter with a view to taking early steps for rendering the cultivation of this vast area safe?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) (*i*) and (*ii*) Yes.

(*iii*) The suggestion is not feasible. The upland supply of water from the Mouiakshi, Brahmani, Dwarka and Kua rivers cannot be passed quickly enough into the Bhagirathi river because the water is headed up on account of the high flood level in the latter. This is the cause of flooding in the Hijole area. This area can be satisfactorily drained only in November or after the Bhagirathi flood level has gone down sufficiently.

(*b*) No remedy is available at present for the reason given in reply to (*a*) (*iii*).

Insufficient number of water passes by eastern side of the railway line from Comilla to Akhaura.

267. Mr. MAQBUL HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that constant floods by the eastern side of the railway line from Comilla to Akhaura (Assam-Bengal Railway) in the district of Tippera are due to insufficient number of water passes in the said railway line?

(*b*) Will the Hon'ble Minister consider it desirable to hold an inquiry into the matter and to take proper steps for quick passage of water?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) I have no information on the subject.

(*b*) An inquiry will be made and, if necessary, the Railway authorities will be requested to increase the openings.

Detenu Babu Satya Ranjan Chattopadhyaya.

268. Mr. MANORANJAN BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether detenu Babu Satya Ranjan Chattopadhyaya deposited with the Calcutta University the non-collegiate fee of Rs. 15 remitted by his father with a view to appear for the B.L. Examination?

(*b*) Is it a fact that his present state of health made him unable to appear at the examination?

(*c*) Is it a fact that his father undertook to keep Satya Babu under his control on any restrictions?

(*d*) Is it also a fact that his father's prayer was rejected on the ground that there was no indication of change of attitude on the part of the detenu?

(*e*) Is the Hon'ble Minister considering the desirability of placing all the correspondence between the Additional Secretary and Babu Sris Chandra Chattopadhyaya on the table?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Government have no information.

(*c*) and (*d*) The detenu has been interned in his home since the 21st August, 1937.

(*e*) No.

269. Mr. MANORANJAN BANNERJEE: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) whether detenu Babu Satya Ranjan Chottopadhyaya had been ailing in the Hijli Detention Camp;

(*ii*) whether he had any X'Ray examination there;

(*iii*) whether his father wanted to know the result of the X'Ray examination; and

(*iv*) whether the result was communicated to him or to the detenu?

(*b*) If the answer to (*a*) (*iv*) is in the negative, will the Hon'ble Minister be pleased to state what are the reasons for not communicating the result?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a copy of the X'Ray examination report?

(*d*) Is it a fact that three teeth of Satya Ranjan Babu were extracted while in detention and he has been suffering from slow fever and pain in the lower abdomen?

(*e*) Are the Government considering the desirability of permitting his father to have Satya Babu examined by a doctor of his own choice?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The detenu had an attack of dysentery and para-typhoid while in the Hijli Camp.

(*ii*) Yes.

(*iii*) His father reported that the result had not been communicated to him; he did not ask for the report.

(*iv*) The result of X'Ray examination has not been communicated to either of them.

(*b*) Such communication was not considered necessary.

(*c*) No.

(*d*) and (*e*) I have no information. The detenu is interned in hi home now.

Number of persons in detention or in custody or interned under th Bengal Regulation III of 1818 and Bengal Criminal Law Amend ment Act, 1925, and Ordinance I of 1930, etc.

270. Rai HARENDRA NATH CHOUDHURY: Will the Hon'bl Minister in charge of the Home (Special) Department be pleased t state—

(*i*) the number of persons still in detention or custody, interned o otherwise suffering restrictions in their movements under—

(1) the Bengal Regulation III of 1818,

(2) the Bengal Criminal Law (Amendment) Act, 1925,

(3) Ordinance I of 1930 or the Bengal Criminal Law Amendmeu Act, 1930,

(4) the Bengal Suppression of Terrorist Outrages Act, 1932, or th preceding Ordinance on whose lines it was enacted, and

(5) the Bengal Public Security Act, 1932, or the Special Powe Ordinance (Ordinance) X of 1932, or

(6) any other Act; and

(*ii*) how many of them are—

(1) in detention camps, (*a*) within and (*b*) outside the province,

(2) in jails, (*a*) within and (*b*) outside the province,

(3) interned, (*a*) in their homes or (*b*) in places away from their homes, and

(4) otherwise suffering restriction in their movement under executive order?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) (1) 16.

(2) Nil.

(3) There were 2,470 orders in force on the 12th September, 1937, issued by Government imposing various degrees of restraint, from an obligation to report changes of address or residence in a training camp, to detention in a camp or jail. There were 148 orders in force at the end of August last issued by District Officers on youths below 21 years of age.

(4) There were 270 orders in force at the end of August last issued by District Officers and the Commissioner of Police, Calcutta.

(5) One.

(6) None.

(*ii*) (1) to (4) The position on the 12th September, 1937, was roughly as follows:—

15 State prisoners in different jails outside the province: orders have issued for their return to Bengal.

317 detenus in Deoli including 72 for whose return to Bengal orders have been issued and 18 serving terms of imprisonment. There are no detenus in any other jail outside Bengal.

314 in Berhampore Camp of whom 59 were under orders of transfer to village or home domicile.

About 50 detenus are in Bengal jails, most of them for temporary reasons.

813 in village internment including persons in jails and camp whose transfer to village domicile had been ordered.

489 in home internment including persons in village domicile or jail or camp for whom home internment had been ordered.

Other persons are under lesser forms of restraint.

I am sure that the House will appreciate the difficulty experienced by my office in preparing statistics in different forms as required by a large number of members. The numbers of detenus under various forms of restraint vary from day to day and changes are now both rapid and numerous. I, therefore, propose to issue a monthly statement showing the number of persons detained under section 2 (*1*) of the Bengal Criminal Law Amendment Act in jails and camps, interned in their homes, interned in villages, released conditionally or unconditionally during the month from home domicile or more severe forms of restraint, and released unconditionally after having been conditionally released.

I trust that with this information in their possession members will, in future, find it less necessary than they have had in the past, to put down questions for answer in the House. The Additional Secretary or the Additional Deputy Secretary in the Home Department will always be glad to give members any further statistical information which they desire and which may be readily available.

Rai HARENDRA NATH CHOUDHURY: With reference to answer (*ii*) that out of 317 detenus, 18 are serving terms of imprisonment, will the Hon'ble Minister be pleased to state why they are serving terms of imprisonment?

The Hon'ble Khwaja Sir NAZIMUDDIN: That must have been for breach of discipline.

Rai HARENDRA NATH CHOUDHURY: Is that an inference or is that your information?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state what are the temporary reasons mentioned in (*ii*) regarding 50 detenus in Bengal jails?

The Hon'ble Khwaja Sir NAZIMUDDIN: Generally for the purpose of treatment, or on transit from Deoli to their homes they stopped at the jails for a few days before they were sent to their home domicile.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state how many are there for treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state with reference to answer "other persons are under lesser forms of restraint," what is the nature of the restraint?

The Hon'ble Khwaja Sir NAZIMUDDIN: Restraining their movement to a particular district or before they leave home for a particular district they have to give information to the police.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state whether these persons are included in answer (*i*) that there were 270 orders in force at the end of August last, issued by District Officers and the Commissioner of Police, Calcutta, or excluded?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. TULSI CHANDRA GOSWAMI: Is not the notice of a question itself a notice?

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state for what period they are suffering from this restraint?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to enquire into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly.

Babu NAGENDRA NATH SEN: With reference to his answer on the top of page 12, will the Hon'ble Minister be pleased to state why he proposes to issue a monthly statement and not more frequently?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would ask the House to judge whether this is a reasonable request?

Mr. SYED JALALUDDIN HASHEMY: Are we to be content with this sort of bureaucratic answers given by the past Government? May we not ask for protection from the Chair in getting a reply to a reasonable question?

Mr. SPEAKER: I think if you can show me the law or a convention by which I can force an answer from the bureaucratic or a non-bureaucratic Government I shall be glad to do so.

Mr. SYED JALALUDDIN HASHEMY: We want protection from you. We ask for answers from the Hon'ble Ministers but if they refuse to give answers it is no use our asking questions.

Mr. SPEAKER: I have seen that even in England Ministers have refused to answer questions in public interests. But whether it is a public interest or not I cannot judge.

Rai HARENDRA NATH CHOUDHURY: But very rarely, Sir. They are always very explicit in their answers.

Mr. SPEAKER: That is true.

Subsidies to the Journals of Bengal.

271. Mr. PRAMATHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Home (Press) Department be pleased to state

whether subsidies have been granted by the Government of Bengal t journals in this province for starting or maintaining them since th year 1933?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'bl Minister be pleased to state—

(1) their names;

(2) their circulation; and

(3) the amount of such subsidies to such journals?

(*c*) Do the Government directly or through the said Press Office distribute or circulate copies of journals free to schools, colleges, ba libraries?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'bl Minister be pleased to state the name or the names of such journal o journals?

(*e*) Have local newspapers been organised by the District Officer in their respective districts since the year 1933?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'bl Minister be pleased to state the names of the districts and the names o the newspapers?

(*g*) Have the Government been supplying funds to such newspaper since the year 1933?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'bl Minister be pleased to state the amount spent by Government for the purpose since the year 1933?

(*i*) Has financial assistance been given by the Government of Bengal to—

(1) the *Hindu*,

(2) the *Modern Student* and

(3) the *Mouchak*,

during 1933-37?

(*j*) If the answer to (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the amount of assistance in each case; and

(*ii*) the object for which such assistance has been given?

(*k*) Has such financial assistance been granted by Government to the *Bisuddha Siddhanta Panjika* during the years 1935-37?

(*l*) If the answer to (*k*) is in the affirmative, will the Hon'ble Minister be pleased to state the amount of such assistance and the purposes for which such assistance has been given?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to supply this information in the public interest.

Mr. SARAT CHANDRA BOSE: Is the Hon'ble Home Minister prepared to concede that the matters on which information has been sought in question 272 are matters of public concern within the meaning of Standing Order 24?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, may be.

Mr. SARAT CHANDRA BOSE: Sir, is "yes, may be" an answer? Either it must be "yes" or "may be."

Mr. SPEAKER: You can take it as "yes."

Mr. SARAT CHANDRA BOSE: Is the Hon'ble the Home Minister able to state the facts on which he bases his answer, namely, that he is not prepared to supply the information in the public interest?

The Hon'ble Mr. A. K. FAZLUL HUQ: Not facts but reasons.

The Hon'ble Khwaja Sir NAZIMUDDIN: If I were to give the facts the public interest will suffer. I am afraid I cannot add anything more.

Mr. SARAT CHANDRA BOSE: Is the Hon'ble the Home Minister prepared to concede that the question is directed to the public press?

The Hon'ble Mr. A. K. FAZLUL HUQ: I may submit that the disclosure might lead to unpleasant consequences.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, my last question has not been answered.

The Hon'ble Khwaja Sir NAZIMUDDIN: Naturally the answer is one in the affirmative.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister be pleased to state if subsidies were granted to any paper or journal before the year 1933 by Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to answer that in the public interest.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble the Home Ministe prepared to accept the statement made by the Hon'ble the Chie Minister that the disclosure will lead to unpleasant consequences?

Mr. SPEAKER: That is not a relevant question.

Allotment of funds to the Press Officer for press propaganda.

272. Mr. PRAMATHA NATH BANERJEE: (*a*) Will the Hon'bl Minister in charge of the Home (Press)Department be pleased to state–

(*i*) the amount of allotment of funds to the Press Officer for pres propaganda by the Government of Bengal in—

(1) 1934-35,

(2) 1935-36,

(3) 1936-37; and

(*ii*) whether the expenditure incurred by the Press Officer o account of press propaganda are audited according to th normal rules of the department?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minis ter be pleased to state under what procedure is the expenditure audited

(*c*) Is it a fact that the Government of Bengal in consultation with th Accountant-General have during the years 1932 to 1935 sanctioned procedure under which the Press Officer is authorised to draw bills wit out submitting the vouchers to the Accountant-General?

(*d*) Is it a fact that the procedure mentioned in (*c*) was extende during the year 1934 to similar expenditure by District Officers?

(*e*) Is the Hon'ble Minister aware that the Press Officer holds out o has held out threats of the Press Act and the inducement of Governmen advertisements and subsidies to bring pressure to bear on newspapers o periodicals as also for publishing (*i*) editorials and (*ii*) leading article from the Press Officer to disseminate the views of the Government on poli tical questions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to supply this information in the public interest.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister be pleased to state if it is a fact that before 1933 Government advertisements were not placed through the Press Officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe that is so.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister be pleased to state whether it is a fact that Government advertisements since 1933 have been placed through the Press Officer in order to enable him to make use of the public press to secure co-operation from them for the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the negative. I would refer the honourable member to the communique issued by Government some time ago on the subject.

Mr. SARAT CHANDRA BOSE: Is the Hon'ble the Home Minister prepared to contradict a definite statement made by me that it appears in the book entitled "Propaganda 1932-35" by Mr. B. R. Sen, the Press Officer, that Government advertisements are now placed through the Press Officer to secure co-operation from the Press?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whatever might have been in that book, that is not the Government's policy or action and it has entirely nothing to do with Government.

Mr. SARAT CHANDRA BOSE: May I draw your attention to the answer? Is it any answer to my question? I asked him to contradict the statement which I read out from the book itself?

Mr. SPEAKER: I do not think Mr. Bose you can ask him to contradict a statement. You can ask for further information.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister be pleased to state if Mr. B. R. Sen, I.C.S., was the Deputy Secretary, Political Department, and Press Officer, Government of Bengal, in the year 1933?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, he was.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister be pleased to state whether the book entitled "Propaganda 1932-35" was printed by the Government of Bengal Press in 1936 at the cost of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if he is prepared to contradict the statement made by the said Press Officer Mr. B. R. Sen in his book entitled "Propaganda 1932-35" that by the beginning of 1934, I had succeeded through

personal influence and judicious control of official advertisements and with the threat of the Press Act in the background in persuading one or two of the most nationalist papers to accept editorial articles from the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the communique that has been published. I have nothing further to add.

Dr. NALINAKSHA SANYAL: You gave a ruling that a communique or anything that is published in the papers cannot be referred to in this House.

Mr. SPEAKER: I think unless you are prepared to place the communique on the table, you cannot refer to it. You can either say yes or no in your answer.

The Hon'ble Mr. A. K. FAZLUL HUQ: On a point of information, Sir. How can a member of Government reply regarding the publications in papers which have not been supplied before?

Mr. SPEAKER: I am not in a position to answer that nor I am able to say what ought to be the answer of the Hon'ble Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to answer this question until I see the statement.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister be pleased to state whether he has himself perused the book entitled "Propaganda 1932-1935" written by Mr. B. R. Sen, I.C.S., Press Officer to the Government of Bengal, in 1933 and subsequent years?

The Hon'ble Mr. A. K. FAZLUL HUQ: I submit that question is very offensive.

Rai HARENDRA NATH CHOUDHURY: Is the Hon'ble the Chief Minister entitled to say so?

Mr. SPEAKER: If it was offensive, I would have certainly stopped him.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not gone through that book.

Mr. SARAT CHANDRA BOSE: Is the Hon'ble the Home Minister prepared to contradict another statement which I am reading from the same book?

Mr. SPEAKER: I must say that the proper form is not to ask to contradict but to elicit information and I hope you will do that.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. As the hon'ble member himself is in possession of the information when he reads the article from the book, is it in order to ask for that information?

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if it is a fact that 1933 was the first time since the days of Lord Lytton's Viceroyalty that the Nationalist Press allowed itself to be used by Government on the scale and in the manner I have mentioned in the last few questions?

Mr. SPEAKER: Is that question in the special cognisance of the Home Minister?

Mr. SARAT CHANDRA BOSE: Yes, Sir. The Deputy Secretary, Political Department, is under the Home Department.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that I have not gone through that book.

Mr. TULSI CHANDRA GOSWAMI: Has not the Hon'ble Minister seen that book?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have said so.

Mr. SARAT CHANDRA BOSE: Is the Hon'ble the Home Minister prepared to lay that book on the table of this House or of the Library?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Home Minister be pleased to state the names of one or the two Nationalist newspapers which allowed themselves to be used by Government?

Mr. SPEAKER: I think that question hardly arises (cheers from Coalition Benches)—and I would say that it is very bad advocacy to give *bahoba* when the Judge is on your side—in view of the fact that the Hon'ble the Home Minister has not seen the book and you are ostensibly quoting a passage from that book.

Mr. SARAT CHANDRA BOSE: May I draw your attention to question 272 (*e*) which gives a clear notice of the supplementary question I am putting? I ask the name of one or two Nationalist papers.

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said I have not read that portion and I cannot give any answer to that.

Babu NAGENDRA NATH SEN: On a point of information, Sir. Is the Hon'ble Minister entitled to say that "I am not prepared to supply this information in the public interest" without disclosing the nature of the public interest?

Mr. SPEAKER: The questions are over, you can ask next time.

SUPPLEMENTARY DEMANDS.

25—General Administration.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 8,64,000 be granted for expenditure under the head "25—General Administration".

Mr. SPEAKER: Dr. Sanyal, I will just tell you this in connection with your motion that you will have to show that the Provincial Legislative Assembly will not function without the matter which you are referring to. That is how it will be in order.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, before I proceed to move any motion, may I enquire if you will permit anybody to make a general series of observations on the budget as is the ordinary procedure, and then after that allow particular motions to be moved as against demands for grants. The general discussion has not been held.

Mr. SPEAKER: Yes, if the point is raised I think it is permissible to have a general discussion, but I should give this hint at this stage that in so far as supplementary estimates are concerned the only general discussion can be on a matter arising directly and specifically out of the demand voted and nothing more.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I do not really want to take the time of the House over matters not directly arising out of this motion, but before I move my motion for reduction of the demand by Rs. 100, I would like to draw the attention of this House to

the fact that this supplementary demand deals with certain matters and has omitted to deal with other matters. I would only like to offer a few general observations on the method and the manner by which this supplementary demand has been brought up. Yesterday, Sir, you noticed how there has been considerable misgiving about the admissibility of these supplementary statements of expenditure, particularly in view of the fact that in the authenticated statement of permissible expenditure for the province which His Excellency the Governor of Bengal has already given his seal to, there are certain amounts which have been carried over again under the supplementary statement of expenditure now placed before us. The difficulties were further accentuated because some of us felt that before the Bills providing for salaries could be actually passed, it was not really fair to place any amounts in anticipation either under the voted list or under the charged list. But in spite of these misgivings and difficulties the Finance Minister has chosen to anticipate events and to come forward before us with some supplementary budget that might perhaps look a little attractive to many honourable members of this House. I do not know, Sir, if this is going to be the parting Puja bonus to our honourable members or it is going to be a sort of——

Mr. SPEAKER: Dr. Sanyal, I should say in consonance with your position in the House it is not desirable that you should term the salary that has been passed by the House as a Puja bonus.

Dr. NALINAKSHA SANYAL: I bow down to your decision, Sir. It is farther from my mind to make any observation on the hon'ble members of this House who have voted their own salaries and have thereby made some provision for an additional expenditure out of the revenues of this province, expenditure that could have been avoided. All that I was going to say is this that we, on this side of the House, feel that this supplementary budget has been brought up with an amount of hurry and an amount of indecent haste which could have been avoided. I am, Sir, not a student of scriptures. The Hon'ble Finance Minister has of late been quoting scriptures—some people are adept at scriptures when it becomes necessary for them—and he has at another place talked of how great respect he has for the Mother Kali. He has also there said that although he bows his head to the great Goddess, he refuses to bow his head to the *Haldars* of the temple. Sir, our Finance Minister might have developed certain new religious tendencies of late in new company. He might have acquired certain cult of the proverbial *Kalapahar*—that is not what we are concerned with. We are humble mortals of the faith that we carry. We pay our obeisance to the Almighty deity, the Goddess Kali, as much as to her votaries and we of the Hindu religion have love and respect for even the he-goat that is sacrificed before that Goddess, and before that

he-goat is sacrificed if we do not put vermilion on its head the he-goat in our religion could not be sacrificed before that deity. And if the he-goat with all the proverbial virtues of the he-goat was not respected by us, Sir, certain classes of persons that are in high position would not have been here. However, Sir, that may be we on the Congress side feel that there have been many extraneous matters brought up both in connection with Salary Bills as well as in connection with budget discussions. That is neither here nor there. All that we feel and feel rather strongly is that so far as the statements of expenditure go, there must be more decency, more care and less attempt at placing additional burdens on the unfortunate public of Bengal.

Mr. Speaker, Sir, I would like at this stage only to draw your attention to the fact that if it was the anxiety of the Hon'ble Finance Minister to place the members of this House at an advantage to relieve them of their troubles and worries he would have certainly provided at least some decent amount for the functioning of the Assembly Department, if not of other departments, with which we come in contact from time to time. You are aware, Sir, and so also are our friends in this House, that our questions are not properly attended to. Even now two questions of mine that were handed in as early as July last have remained unreplied to, though we are practically at the end of the session. We have had our travelling allowance bills and daily allowance bills lying undisposed of, and we have also numerous other difficulties experienced in this House; and all this in spite of the fact that the Hon'ble Home Minister some days back, in connection with the budget discussion, assured us that he would look into the question, would consult the Speaker and Leader of the House and would make sufficient arrangements so that the inconveniences might not exist. He assured us, if my memory serves me right, that if there was any necessity for additional funds, if there was any necessity for additional hands, he would not hesitate to provide for the same. But the supplementary budget that is placed before us unfortunately does not show a single rupee provided for for such purposes. I submit that this has been an entirely wrong process and merely the provision of salary for the members or for the executives will not render their efficiency better and will, on the contrary, make our position awkward when we will go with fat salaries and the office will remain ill-provided for. Merely a provision of salary for the members or for the executives will not render efficiency any better, but will on the contrary make our position awkward when we shall draw the fat salaries and the office will remain overburdened with work which they cannot manage. We shall obviously not be able to apply our energies to practical use, because the office cannot cope with the work.

I would also like to draw attention to another fact. When we voted for the salaries, it was certainly not the intention of the members of the House—I think I can say that on firm ground—that there

should be any additional expenditure thrown on the poor tax-payers of Bengal. I feel sure that most of us who did vote for the salary—of course, I did not vote for the salary, Sir,—did so, thinking that the present Government would be in a position to effect adequate economies in different directions, and out of the retrenchments thus effected they would meet the additional expenditure. They certainly did not vote for an additional burden on the tax-payers of Bengal, particularly when that additional burden would be incurred on their own personal account. What account will they give to their constituencies when they will go back after this session—what explanation will they give to their countrymen when they will demand—"What relief have you given to us in our taxation and what relief have you provided for yourselves and for the members of the Legislative Council?" In that view of the matter, I would ask the members of the House to assert themselves now and say in unequivocal terms that the additional amount that is demanded now should be found from some kind of retrenchment. And that I think should not be difficult. We have allowed Rs. 1 crore 53 lakhs on demand for grants under the head "General Administration," and that amount is not certainly a small amount. If out of that amount even a 10 per cent. cut could be effected, it would provide more than Rs. 15 lakhs which represents nearly double the amount that is now sought to be found under different heads of the Supplementary Budget. I submit, Sir, that these two aspects of the question should be kept in view before we take up the Supplementary Budget and vote for the demand. I say, Sir, with some amount of feeling, that it is really unfair, unfair to ourselves, unfair to our countrymen, unfair to our voters that we should be taking money for ourselves, while not exploring properly the possibilities of economy in the top-heavy administration of the present Government. I have not much to say about the figures of the budget. I find that provision has been made for about 11 months, and most probably the 12th month's provision will come in the next year's budget, because the payment will be made after the 31st of March, 1938. But there are only one or two items that require explanation. I find, for example, a rounding figure of Rs. 367 as against a provision of Rs. 1,000. If, Sir, for providing an expenditure of Rs. 1,000 we have to round it off by Rs. 367, it looks rather awkward. Sir, I am drawing attention to page 5, where it will be found that the amount for rounding is Rs. 367 and the charged amount for allowances and honoraria amounts to only Rs. 1,000.

Sir, we have also had other wonderful feats of accountancy. We have found in this statement sums, that were passed, have now been split up into two divisions—"voted" and "charged"—and we have also had sums that do not tally in the total with the total that was provided for originally. There might have been changes in the revised estimates and I do not comment on them; but it appears that there

has been something wonderful in the system of accounts that Government follow. I would conclude only by saying that when the Finance Minister comes forward to this House with his proposals, he should be on firmer grounds—and he should, in my humble opinion, and I believe my friends here will bear me out, leave no departments untouched, and try to pool the requirements of all departments when he requires a supplementary budget to be placed before us. Our attention should be drawn to all such matters as may require additional provisions, so that we may understand how and where we can go and how much and to what extent we can provide under a particular head.

With these observations, Sir, I move that the demand be reduced by Rs. 100.

Mr. SPEAKER: In view of the fact that the session of this House will be from 3 p.m. till 8 p. m., my attention has been drawn to the fact that this time might be utilised as an opportunity when members could have their tea. So I adjourn the House for half an hour.

The House was then adjourned for half-an-hour.

(After adjournment.)

Dr. NALINAKSHA SANYAL: Mr. Speaker, I have moved my Rs. 100 cut motion and have stated two specific reasons therefor.

I have another Rs. 100 cut motion on this demand with a view to draw attention to the public opinion about hill exodus.

Mr. SPEAKER: That is not in order.

Mr. NALINAKSHA SANYAL: May I submit, Sir, that in the budget provision has been for Rs. 1,000 under "Charged—Travelling expenses."

The Hon'ble Mr. NALINI RANJAN SARKER: It was settled yesterday that "Charged" expenditure would be excluded except Ministers' salary.

Dr. NALINAKSHA SANYAL: May I, Sir, take it that the Ministry was drawing that amount.

Mr. SPEAKER: The Speaker's and the Deputy Speaker's amounts have been drawn.

Dr. NALINAKSHA SANYAL: What about the amount shown as travelling expenses?

The Hon'ble Mr. NALINI RANJAN SARKER: It shows the travelling allowances of members of this House and not of anybody else.

Dr. NALINAKSHA SANYAL: Am I to take it that this does not provide a single rupee for travelling allowance of the Speaker or the Deputy Speaker or the Ministers?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, that is so.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, you had previous to this ruled that so far as the budget demands for grant go, in accordance with the Government of India Act interpretation, this demand should be taken as a whole and though the specific items thereof might be changed by the department concerned, we might make observations on the demand as a whole. If you maintain that ruling, then, I submit that my motion would be in order.

The Hon'ble Mr. NALINI RANJAN SARKER: All I want to say is that the whole must be composed of its parts and that the parts should not compose the whole.

Rai HARENDRA NATH CHOUDHURI: On a point of order, Sir. In the Central Legislative Assembly it was ruled by the late Hon'ble Mr. V. J. Patel that while speaking on a part demand one can travel beyond the point under discussion to develop one's arguments.

Mr. SPEAKER: But the difficulty is that Government are not putting this Rs. 1,000 in the demand. Otherwise it would have been perfectly in order.

Rai HARENDRA NATH CHOUDHURI: Mr. Speaker, Sir, I propose to attack the supplementary demand on two alternative grounds. I would say that it is either premature or it is a belated demand meant to cover the gross miscalculations that have been made in preparing the original budget. Now in support of my first proposition that it is a premature demand, I would refer only to the explanation given in the supplementary statement that has been circulated. There it is stated that "the supplementary estimate under '25—General Administration' is on account of the cost, over and above what was provided in the budget, that will be involved in the event of these measures being passed into law." Now, Sir, permit me to

refer to section 81 of the Government of India Act. The section runs as follows: "if in respect of any financial year further expenditure from the revenues of the province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure." Now Sir, I would emphasise the words "becomes necessary." The question is how the demand in question has become necessary. Is it on account of the passage of the Bengal Legislative Chambers (Members' Emoluments) Bill, 1937? If so, I must say that it is premature, because if we refer to section 1 of that Bill, we will find that this Act does not come into operation till the 1st of October, 1937, even if the Governor assents to it. (The Hon'ble Mr. NALINI RANJAN SARKER: But an amendment has been made giving effect to it from the date of the administration of oath.) But that is in connection with section 3. I refer to section 1 (2) which says that it will come into force from the 1st October.

The Hon'ble Mr. NALINI RANJAN SARKER: No, it shall be deemed to have come into force from the date of taking the oath.

Rai HARENDRA NATH CHOUDHURI: Even in that case, have you got the assent of the Governor? If you have not, then this Bill cannot be deemed to be laid and the alleged necessity cannot be said to have arisen. It is not open to the Hon'ble Minister to say that this Act has been passed and that the expenditure has on that account become necessary.

Then as regards my second point, if it has not now become necessary, then it is only a belated attempt to cover the miscalculations in connection with the original budget. You are bringing forward a demand to the extent of Rs. 8,50,000. The question that arises in this connection is, what prevented you from providing this sum in the original budget? You could have done that easily. You provided for the Ministers' salary in the original budget. That provision has not been exceeded except by Rs. 1,000. Almost the whole amount was provided in anticipation so far as the Ministers' salary is concerned. What was there to prevent you from providing for this amount—much of which is required for members' salary—in the original budget? Hon'ble members will please remember that all these Bills were brought forward at the same time when the budget was introduced and that these Bills were even published in the *Calcutta Gazette* before the introduction of the budget. Therefore, the Finance Minister had a clear idea as to what the expenditure was going to be so far as these Bills were concerned. At any rate, about 5/6ths of the expenditure relating to Members' salaries was covered by the rate of salary proposed in the original Bill. The amount of course was increased

by the vote of the House on the Government's accepting the amendment of Rs. 150 in place of Rs. 125 originally provided for in the Bill. To the extent of five-sixths of the total amount required for this purpose the Government were aware of the position before the introduction of the budget, but what was there to prevent them from providing that much of the amounts required in the budget. If they had not done so, they must have made a mistake and I do not know, nay doubt very much, whether section 81 permits them to rectify their mistake in this way. Section 81 contemplates that there must be first of all a budget and then some unforeseen events must happen which necessitate further expenditure and therefore a supplementary estimate. In that view, Sir, section 81 does not permit them to bring forward as a supplementary estimate for those sums which at the time of preparing the original budget they knew were necessary. Therefore, I think, Government deserve censure on that point.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, as regards the personal attacks on me made by my friend, Dr. Nalinaksha Sanyal, I do not want to say anything except that if a saying, and a well-known saying in Bengali, is to be true, certainly of all persons Dr. Sanyal ought to make such remarks about me, but I treat such personal attacks with the contempt that it deserves.

Mr. PRAMATHA NATH BANERJEE: On a point of order, Sir. Is any hon'ble member entitled to say that he treats another member with the contempt that he deserves?

Mr. SPEAKER: If he had said that about the person concerned, I would have ruled him out.

The Hon'ble Mr. NALINI RANJAN SARKER: As regards criticisms of the supplementary grant, he pointed out certain defects in my presentation of the budget and in our accounting and rounding of figures. So far as I remember, in the Irish Bill Debate some member said about another member that if he could describe the remarks of that member and the arguments of that member as being foolish, he would have done so if it was Parliamentary. In this case also I say if it was Parliamentary I could have said that it was a foolish argument. But as that is not permissible, I can only say that the criticisms betray complete ignorance of accountancy or finance. Then as regards my friend Mr. Haren Rai Chaudhuri's argument that the demand is premature, I say, Sir, that the Bill has been passed by this House and also by the Upper House and that it is only awaiting the assent of His Excellency. So I do not think that it is premature. If provision for members' salary and allowances are not made just now, it may be delayed till the next session. That is why we have brought

forward this supplementary demand. As regards the salary of Ministers my friend accuses me as to why I was not able to estimate it beforehand. As you know, the Ministers' salaries were Rs. 3,000 for the Chief Minister, Rs. 2,500 for some others and Rs. 2,000 for the rest, but the Bill which has been passed by this Assembly and by the Upper House provides that all the Ministers except the Chief will get a salary of Rs. 2,500. I have included Rs. 10,000 as the salary of the Ministers on account of the increase effected by this Bill. I did not know beforehand whether this House would pass the Bill and therefore it was not possible for me to make an estimate to that effect beforehand. Then as regards the salary of members, it has been said why I did not provide for it at our proposed rate? But, Sir at the introduction stage I made it perfectly clear that I introduced the Bill only as a basis for discussion, but whether the members would take a salary or not I did not know. But after the passing of this Bill and its confirmation by the Upper House, now we can say that the members will take their salaries. My friend, Dr. Sanyal, has said that it is unfair to take such high salaries. Sir, Government are not forcing any member to take this salary——

Dr. NALINAKSHA SANYAL: On a personal explanation, Sir. I did not say that.

The Hon'ble Mr. NALINI RANJAN SARKER: If Dr. Sanyal or any other member does not want to take his salary, then he need not take it. This House has passed this Salary Bill, and the Upper House has also confirmed it, and that is why we now seek to include the amounts in the budget.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Why were not these amounts included in the original budget? The Hon'ble the Finance Minister has not furnished any explanation.

Mr. SPEAKER: He has given it.

Rai HARENDRA NATH CHAUDHURI: No, Sir, he has not.

Mr. SPEAKER: He could not do that, because he did not know at that time whether the House would accept the principle of Bill.

Rai HARENDRA NATH CHAUDHURI: But the same argument would apply to the Ministers' Salaries Bill, also, Sir.

Mr. SPEAKER: Sir Nazimuddin, do you think you need reply to the debate?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is just one point, Sir, that I would like to refer to, and that is about Dr. Nalinaksha Sanyal's remarks about the difficulty members are feeling because of shortage of staff in the Legislative Assembly Department. Speaking, subject to correction, and as far as I recollect, I pointed out to the House that we are going to decide finally what staff should be fixed after this present session is over. I might add that if there is any temporary difficulty and if requisitions are made to meet that difficulty, Government would be prepared to supply additional staff. As far as I know, and again I am speaking subject to correction, I mean to say that we are trying to give as much assistance as we possibly can——

Dr. NALINAKSHA SANYAL: We have not yet had any vernacular reporters.

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, vernacular reporters are very difficult to get, and they are not easily available. (Dr. NALINAKSHA SANYAL: If good pay is given, then you can get them. What about the vernacular reporters in the Police?) That was not, however, the complaint of Dr. Sanyal in his original speech. His original speech referred to the difficulty experienced in drawing travelling allowance and other things. I submit, Sir, that it is not true to say that Government have not carried out the promise they made to this House, and I have got nothing further to add.

The question that the demand of Rs. 8,54,000 for expenditure under the head "25—General Administration" be reduced by Rs. 100 (to criticise Government's failure to provide additional grants for certain other departments, so that the work of the legislative bodies could be carried on without the difficulties experienced at present and to draw Government's attention to the possibilities of finding the additional expenses from out of retrenchment) was put and lost.

The motion that a sum of Rs. 8,54,000 be granted for expenditure under the head "25—General Administration" was then put and agreed to

DEMAND FOR GRANT.

27—Administration of Justice.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,04,500 be granted for expenditure under the head "27—Administration of Justice."

Sir, while the general budget was discussed unfortunately this item was shown as "charged," and when I told the House that discussion should not be extended to this item that was charged, you were pleased to give your ruling that even if it is "charged," the House had the right of discussing the matter. This question was thoroughly discussed on the first day of the budget, and I never thought that the mistake that was unintentionally committed if it were rectified on a later date would bring in a cut motion from my friend Dr. Sanyal. We have given Dr. Sanyal an additional opportunity of discussing it afresh and I will wait to hear him, and so I need not make a long speech. I formally move my motion, Sir.

Dr. NALINAKSHA SANYAL: I have some difficulty, Sir, in moving my amendment, because I have not heard from the Nawab Sahib yet that this demand which he has moved has been moved under the recommendation of His Excellency the Governor. If that has not been so done, I submit that it is not in order, and so the question of my moving the amendment which stands in my name does not arise.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, yes. The Nawab Sahib has stated that he was moving his demand for grant on the recommendation of His Excellency the Governor.

Dr. NALINAKSHA SANYAL: I take the word of the Hon'ble the Chief Minister, and so now move my amendment.

I beg to move, Sir, that the demand of Rs. 1,04,500 under the head "27—Administration of Justice" be reduced by Rs. 100 (to draw attention to the non-utilization of large sums lying with the Official Assignee).

It is not my intention, Sir, to raise any discussion on the functionary for whom this amount is going to be provided. I know that the Official Assignee is perhaps working as efficiently as he could or should. My grievance, Sir, lies elsewhere, and I assure the honourable the Nawab Sahib that the criticisms that I would like to offer affect not so much his department as the department of the Hon'ble the Finance Minister. I want to know, Sir, if it is the intention of Government to utilize the funds that have been lying for a long time with the Official Assignee, as *res nullius*, as I am told, and whether the fund might be put to proper use. It is for the Hon'ble the Finance Minister to give us some assaurance as to how he is going to utilize this fund. I understand that a sum to the tune of 80 lakhs of rupees——

Mr. SPEAKER: I am afraid, Dr. Sanyal, that while discussing a supplementary estimate you can discuss or speak only on an issue

which directly comes under it, but a matter which is outside the issue cannot be discussed. You remember that this question of the surplus money was discussed at the time of the general budget. That being so, I am afraid you cannot discuss it

Dr. NALINAKSHA SANYAL: Before you give your ruling, Sir, I beg to submit that this fund is at the present moment under the administration of the Official Assignee. Therefore, when we are voting this amount for the Official Assignee, then I beg to submit, this discussion does come under the purview of this House.

Mr. SPEAKER: You can say how it should be spent, but you cannot criticise the activities of another department.

Dr. NALINAKSHA SANYAL: I am only submitting my views for eliciting information, and it is only for the Government to decide whether the Hon'ble the Finance Minister would give any reply.

Mr. SPEAKER: Dr. Sanyal, you cannot refer to any other matter except the one which is the subject-matter of this demand.

Dr. NALINAKSHA SANYAL: I would submit, Sir, only one point and that is this that we have heard that with this Official Assignee a sum to the tune of Rs. 80 lakhs is lying undisposed of, and that about Rs. 35 lakhs out of this fund, I am told, can be safely drawn upon by the present Government. I want to draw the attention of the Hon'ble Minister for Judiciary to the fact that if he would be a little benign, then with this Rs. 35 lakhs much good can be done to the people of Bengal——

Mr. SPEAKER: Dr. Sanyal, you are perfectly right up to that stage. You can refer to the Official Assignee and to the huge amount that is lying with him, but you cannot go beyond that.

Dr. NALINAKSHA SANYAL: Therefore, I am putting in an appeal to the Hon'ble the Minister for Judiciary to spare the fund for utilization in other departments.

Mr. SPEAKER: You can go up to the "sparing" of the fund and no more.

Dr. NALINAKSHA SANYAL: Well, Sir, if the Hon'ble Minister for Judiciary spares the fund that fund might either be utilized——

Mr. SPEAKER: Dr. Sanyal, you can ask up to "sparing," but as regards utilization, i.e., how it should be utilized, that is a matter which is outside the scope of this supplementary demand.

Dr. NALINAKSHA SANYAL: I submit, Sir, it will be doing justice to this province, and, therefore, it comes under the jurisdiction of the Minister for Judiciary.

Mr. SPEAKER: That argument probably defeats everybody. (Laughter.)

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that the demand of Rs. 1,04,500 under the head "27—Administration of Justice" be reduced by Rs. 1,00,000.

In substance, therefore, Sir, I want to refuse the whole of this demand, because of the legal difficulty I am experiencing in interpreting the appropriate provision of the Government of India Act. This very amount has been included as charged expenditure in the authenticated schedule under section 80 (*1*) of the Government of India Act. Now, section 80 (*2*) says that the schedule so authenticated shall be laid before the Assembly, but shall not be open to discussion or vote in the legislature. Now, Sir, I submit that if there has been a mistake, as the Government admit that there has been a mistake, certainly, by that mistake they have put the Governor in a very wrong position, and I also submit that they have tendered a very wrong advice to the Governor in asking him to authenticate that schedule—that mistaken schedule. I submit, therefore, that in view of the clear provision of section 80 (*2*) of the Government of India Act this amount cannot be brought forward again before the House, and the vote of the House cannot be demanded in respect of this amount.

Mr. SPEAKER: As regards that point, I think an answer is required from me, because that is a matter of procedure. It is quite true that, so far as an authenticated schedule is concerned, it cannot be discussed in this House, but in the case of a budget or rather a supplementary budget there is nothing in the law by which we are debarred from voting any amount that may be necessary or an amount which might find in some connection a place in an authenticated schedule. At least I do not find up till now anything by which we are debarred from considering that matter, and I hold that this demand is in order. The purpose of an authenticated schedule is nothing more than to keep a record in this House, and Mr. Rai Chaudhuri will perhaps remember that the authenticated schedule is in possession of this House, that is, that no money can be spent unless it is properly sanctioned by the House: that is only for the purpose of showing sanction. Now, if an Hon'ble Minister wants to get the vote of this House for any sum outside budget sanction and grant, then he will have to come before this House again.

Rai HARENDRA NATH CHAUDHURI: Sir, I rise on a further point of order then. Will not there be two appropriations in that case? There has been one appropriation already, and another appropriation is going to be made for the same purpose now.

Mr. SPEAKER: Well, the question will surely come in when the Public Accounts Committee will meet and scrutinize this expenditure. If they find that there has been double appropriation, surely they would bring it to the notice of this House. But at present it is not within my cognizance.

Rai HARENDRA NATH CHAUDHURI: This is an important question, Sir, and it deserves an answer from the Hon'ble the Minister for Judiciary.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, may I submit that even a supplementary grant will have to be authenticated by His Excellency the Governor, and in that authenticated schedule we shall correct the mistake already done in the first instance, provided it is a mistake!

Rai HARENDRA NATH CHAUDHURI: Then, you will make His Excellency own his own mistake?

The Hon'ble Mr. NALINI RANJAN SARKER: If it is a mistake, certainly he will own it up.

Dr. NALINAKSHA SANYAL: Sir, the explanation of the Hon'ble the Finance Minister makes the position worse. May I draw your attention to section 78 (*4*) of the Government of India Act, where it is stated that the Governor's decision in this respect is in his discretion and is final and that it cannot be corrected or challenged, and that the Ministers are not in any way empowered to advice him to correct his mistakes: it is absolutely beyond their scope. I cannot understand the Hon'ble Minister can assure us in this House that this will be corrected.

Mr. SPEAKER: That is true.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Dr. Nalinaksha Sanyal has brought in a motion and is questioning us that when the wrong was done in the past have we any right to rectify it now. We actually admit that His Excellency was advised last time——

Dr. NALINAKSHA SANYAL: I say His Excellency cannot be advised.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It was done wrongly. Now, it has been pointed to us that this sum is to be voted by the House, so we have simply brought in the supplementary demand in good faith and with the belief that there will be no further discussion on it, because there was a discussion on it once.

Rai HARENDRA NATH CHAUDHURI: On that unconstitutional remark, should not the member be called to order?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far as this sum is concerned, it is a consolidated amount of interest accrued from small funds and gradual addition to them. It is now a big sum.

Dr. NALINAKSHA SANYAL: What is the annual accretion?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The annual accretion is about Rs. 1,68,000. Everybody knows that the Official Assignee's Act provides that whatever amount comes into the hands of the Official Assignee that must be invested. Just a small amount can be kept by the Official Assignee in his own hand, but everything else has to be invested in Government security. The entire Rs. 65,000 is invested in Government security and is bearing interest.

Dr. NALINAKSHA SANYAL: How does it come in?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So really speaking, it comes in this way. As long as the money is there an investment has to be made from year to year and thus money is being added.

Mr. SARAT CHANDRA BOSE: Investment in what?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Investment in Government security—in 3½ per cent. Government paper.

Dr. NALINAKSHA SANYAL: Not 4 per cent.?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: When you want facts I give you the facts (laughter). In 3½ per cent. Government paper the entire amount has been invested. That is the position, and my friend no doubt knows it. So the country does not suffer at all, if the money is not shown in the Government budget. The moment it is shown in the Government budget we lose the interest (laughter). As a businessman you ought to know that any amount you put in the Government budget cannot be invested. The day you do it

you bring it in the General Revenues and you lose the interest which you were getting by keeping it separate. That is the real position which I wanted to explain to the House——

Khan Bahadur Maulvi FAZLUL QUADIR: Who is the claimant of the money?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I inflicted a speech on the House simply to enlighten Dr. Sanyal that the money is in the safe keeping and is bringing interest, and the moment you include it in the budget the whole income of Rs. 1,60,000 will vanish, because the Government of Bengal have no right to invest money in 3½ per cent. Government security.

Dr. NALINAKSHA SANYAL: Are you sure of it?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, I give you facts. That being the position, I do not believe that anything wrong has been done by keeping this money in the hand of the Official Assignee so long.

Mr. SARAT CHANDRA BOSE: Is it on the principle that a company cannot invest in its own shares?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, that is the principle (laughter). That being the position, I do not believe that Dr. Sanyal has anything to complain against what has been done in the past. As to the future, the money will be handed over to the Bengal Government and it will come into the General Revenues, and this House will have every right to dictate the policy of its expenditure. Any court of justice will have no control over the money——

Mr. SANTOSH KUMAR BASU: What a pity!

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, it is a pity no doubt; but at the same time the rule must be observed. The money will be entirely in the hands of the old master, the Finance Minister. It will be in the best hands!

Mr. PRAMATHA NATH BANERJEE: Which old master?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I said old master, you may infer from it.

I think I have sufficiently explained the position and the House will see that no wrong has been done, and I hope there should not be any reduction of my demand.

The motion of Dr. Nalinaksha Sanyal was then put and lost.

The motion of Rai Harendra Nath Chaudhuri was put and lost.

The original motion (No. 3) was put and agreed to.

Mr. SPEAKER: I take it that the Famine Relief Demand has been taken out.

GOVERNMENT BILL.

Bengal Tenancy (Amendment) Bill.

Mr. SPEAKER: Before I come to the actual discussion of the Bengal Tenancy (Amendment) Bill, I would like to refer to the fact that yesterday I permitted tentatively Mr. Sen to move his amendment Nos. 633-639. I have further considered the matter and unless you can show me something in support of your argument I feel that your amendment is not within the scope of this clause at least (I do not say the scope of the Bill for the time being). Apart from that, may I point out the difficulty which your amendment will create. Here you want to insert "notwithstanding anything contained in any contract between the tenants and the landlords to the contrary." But under the ordinary law of interpretation it will take effect from the date from which this Act is effective In other words, it will have no retrospective character: contracts entered into prior to this Act being enforced will not be covered by this section. On the other hand the original section which is 178 not only covers all future contracts but also previous contracts. This amendment says nothing of the sort. That being so, apart from this reason, I feel that the Government motion is only for the reduction of the amount. To what extent contracts are affected does not come within the scope of this section; it comes within the scope of section 178. I think Mr. Rai Chaudhuri said something about it yesterday, and it seems to me that contracts governing these things come within section 178.

Babu NAGENDRA NATH SEN: May I point out that amendments Nos. 633-639 is not one of my amendments. My amendments are 1463 and 1464 which come under section 178 and I propose to speak on them.

Mr. SPEAKER: They will have to be taken up in due time. I hold that this amendment (Nos. 633-639) is not within the scope of this section. We will now resume discussion on the motion that was under discussion yesterday.

Mr. SARAT CHANDRA BOSE: We were discussing the question of interest.

Mr. SPEAKER: Mr. Bose, you agree that in discussing the quantum of interest the question of contract does not arise. The question of contract comes within section 178 which is a specific section.

Clause 13.

Mr. SPEAKER: Mr. Rai Chaudhuri, what is the effect of your amendment?

Rai HARENDRA NATH CHAUDHURI: The effect of my amendment is this. Clause 13, as drafted, proposes to substitute the new section 85A for section 86. I think that is a serious mistake. I shall develop hereafter the effect of my amendment. I would not disturb section 86, but would put in 67 after 65. That is the only change I propose.

Mr. SPEAKER: You want to create a new right for under-raiyat. Is not that bringing in a new matter altogether?

Rai HARENDRA NATH CHAUDHURI: No, Sir, I do not. If you permit me I can say in a minute. Section 65 refers to tenants and tenants mean all classes of tenants—tenure-holders, raiyats, under-raiyats, etc. I am only making it more explicit and nothing else.

Mr. SPEAKER: I think it is absolutely redundant, because section 67 says that an arrear of rent shall bear simple interest at the rate of 12½ per cent. and so on. Will you show me how section 67 is not applicable to under-raiyat?

Rai HARENDRA NATH CHAUDHURI: I have already submitted that just to prevent misapprehension I want to make it clear.

Mr. SPEAKER: What is your view, Sir Bijoy?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I will hold exactly the same view as you were pleased to hold just now, because section 67 refers to raiyat and raiyat includes under-raiyat. So, it is quite unnecessary and that is the second part of his motion. The first part is the same as mine, so that is also unnecessary.

Mr. SPEAKER: I think, Mr. Rai Chaudhuri, your amendment is not necessary.

(Amendment No. 1589 was held to be out of scope.).

(Amendments Nos. 1590-1595A were held to be out of scope.)

(Amendment No. 1596 was held to be out of scope.)

(Amendments Nos. 1597 and 1598 are out of scope.)

Maulvi TAMIZUDDIN KHAN: Mr. Speaker, Sir, may I refer to one point regarding my amendment No. 1597? So far as an amendment is concerned, my idea is that an amendment always seeks either to add to or deduct something from the original proposition or qualify it in some way. Now, Sir, the Bill proposes that all under-raiyats having occupancy-rights shall be entitled to sell their holdings. Then is it not within the right of members to put amendments to the effect who should be regarded as under-raiyats having occupancy-rights?

Mr. SPEAKER: That is governed by section 48G.

Rai HARENDRA NATH CHAUDHURI: But that section has been touched.

Mr. SPEAKER: Section 48G has not been touched.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Moreover it is practically the same as No. 583B moved by Kumar Shib Shekhareswar Roy which you ruled out of order.

Mr. SPEAKER: I think it is out of scope.

Amendments Nos. 1599-1600.

Mr. SPEAKER: I think the amendments are out of order.

Rai HARENDRA NATH CHAUDHURI: May I ask how Mr. Tamizuddin Khan's amendment is out of order?

Mr. SPEAKER: Mr. Tamizuddin Khan, do you want to move your amendment?

Maulvi TAMIZUDDIN KHAN: Yes, Sir.

Mr. SPEAKER: In that case I will see to it afterwards. The reason why it is out of order is that I do not know what is the effect of your amendment. But so far as the Government amendment is concerned, it is purely of a consequential nature and your one proposes a substantive change.

Amendments Nos. 1601-1602.

Mr. SPEAKER: Mr. Tamizuddin Khan's amendment proposes that after the figures "65" the figures and letter "85A" be inserted. I think this is in order.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. You have ruled my amendment out of order as regards section 67; on the very same grounds this amendment may be out of order. Section 85A also refers to tenants.

Mr. SPEAKER: I hope you understand the difference. The difference is that the effect of his amendment is an amendment to Government amendment, namely, that instead of 85A being substituted for 86, 85A be added. Government proposal is that 86 be deleted and 85A be added.

Mr. Tamizuddin Khan, what is the object of your amendment No. 1601?

Maulvi TAMIZUDDIN KHAN: The object of my amendment is that sub-section 2 (*ii*) of section 48G seeks to give certain rights to under-raiyats having occupancy-right and reads as follows: "Every under-raiyat who has a right of occupancy in his holding shall have, as regards his immediate landlord, all the rights and liabilities of a raiyat with a right of occupancy, as set forth in sections 65, 86, etc." There 85A is not included. Section 85A seeks to give certain right to raiyats, namely, the right to build religious structures.

Mr. SPEAKER: Mr. Rai Chaudhuri just points out to me that so far as 85A is concerned the word is "tenant," and I think in that view it is redundant.

(Amendments Nos. 1603-1604 are ruled out of order.)

(Amendments Nos. 1605-1607 ruled out of order.)

(Amendment No. 1608 ruled out of order.)

(Amendment No. 1608A ruled out of order.)

(Amendment No. 1609 ruled out of order.)

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, clause 13, so far as 13 (2) is concerned, I think it is a proposition whi is directly contradictory to the Statement of Objects and Reasons. you turn to the Statement of Objects and Reasons, Sir, you will fi that among the leading provisions of the Bill, the Bill proposes to gi the under-raiyats the right to surrender their holdings, that is, it pr poses to retain for the under-raiyats the privilege of section 86. Bu Sir, so far as the Bill is concerned, it proposes on the contrary th section 86 should be substituted by section 85A that the under-raiyat right to surrender should go. This is a direct contradiction to tl Statement of Objects and Reasons and there was point in bringing th section in 48G, but now——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I dra the attention of Mr. Rai Chaudhuri at this stage to clause 22 of tl Bill?

Rai HARENDRA NATH CHAUDHURI: I stand corrected, Sir.

Mr. SURENDRA NATH BISWAS: Sir, I want to speak on clau 13. You will probably remember, Sir, that I was allowed to move n amendment No. 584. By that amendment I wanted to delete the wor "as regards his immediate landlord" from sub-clause (*1*) of clau 13——

Mr. SPEAKER: You spoke very fully on that amendment.

Mr. SURENDRA NATH BISWAS: Sir, may I be permitted t bring out a new point? The Hon'ble Minister in charge has pointe out that section 49 covers the benefits as provided in section 26G. will read out section 49 which says: "Notwithstanding anything con tained in section 48F, an under-raiyat may enter into a complet usufractuary mortgage in the same manner and on the same condition as are provided in section 26G for occupancy-raiyats and the provision of that section shall apply so far as may be to under-raiyats as if they were occupancy-raiyats." He has said that my amendment is redund ant. I may tell him that it is not so; because section 26G has been amended in order to give retrospective effect to annulment after 15 years of all debts on usufructuary mortgages created before and after the 1st April, 1937, while section 49 deals with how to create new mortgages after 1st April, 1937. Section 49, therefore, does not help the under-raiyat to get the benefits of the annulment of debts as pro vided in section 26G. I want to make it clear that when new privileges are being given to raiyats, these should be given to the under-raiyats as well. If my amendment is not accepted, there will remain an anomaly and I want to draw the Hon'ble Minister's attention to that

and I also want him to accept my amendment in order to make it clear that under-raiyats shall be entitled to the rights and privileges under the amended section 26G without any ambiguity. Besides that, section 49 says that the provisions of section 26G shall apply "so far as may be" to under-raiyats as if they were occupancy-raiyats. The words "so far as may be" are dangerous legal quibbles, as they may be interpreted in any way by shrewd lawyers in the law courts as may suit them. So I want to make it clear that the under-raiyats shall be entitled to enjoy all the benefits under the amended section 26G and that is why I have moved my amendment No. 584.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think any long speech is necessary. I simply oppose this amendment as it is outside the scope of the Bill.

Mr. SPEAKER: I would point out that it would probably have been better if clause 13 had been redrafted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. Section 85A ought to go out, it is a self-contained provision. The figure "86" should also be deleted.

Rai HARENDRA NATH CHAUDHURI: Had that mistake been detected earlier, much of the discussion we have had could have been avoided.

Mr. SPEAKER: I think from the drafting point of view, the figures "86" should be omitted from sub-clause (*2*). I think I might explain that the reason why I have suggested this drafting change is because Government wants 85A to be incorporated. Now 85A includes the words "raiyat" and "under-raiyat," and it is not necessary to include the words because their inclusion does not improve the section. Moreover in section 86 there is a reference only to tenure-holders, so the deletion of the figures 86 is a necessity.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, with your permission I beg to move that in sub-clause (*2*) of clause 13, the figures "86" be deleted.

The motion of Mr. Surendra Nath Biswas that in clause 13 before sub-clause (*1*), the following be inserted namely:—

"(*a1*) the words 'as regards his immediate landlord' be omitted,

was put and lost.

The motion of Mr. Rasik Lal Biswas that clause 13 (*2*) be omitted was by leave of the House withdrawn.

The motion that clause 13 (*2*) be substituted as follows, namely—

in sub-clause (*2*) the figures "86" be deleted,

was put and agreed to.

The motion that clause 13, as amended, stands part of the Bill was put and agreed to.

Clause 14.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY: Sir, I beg to move that clause 14 be deleted.

Sir, this clause says that section 48H of the Bengal Tenancy Act is hereby repealed. Section 48H gives a raiyat the power to take *salami* from an under-raiyat for a lease of a period over 12 years. Now Sir, by a deletion of this section he will still have the power to take a *salami* for a lease over 12 years and at the same time he will be creating a protected interest against the landlord.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I formally oppose this amendment.

The motion was put and lost.

Then the motion that clause 14 stands part of the Bill was put and agreed to.

Clause 15.

The motion that clause 15 stands part of the Bill was put and agreed to.

Clause 16.

The motion that clause 16 stands part of the Bill was put and agreed to.

Babu NAGENDRA NATH SEN: Sir, I beg to submit that No. 1613 by which I want to delete section 66 of the Act is certainly within the scope of this Act.

Mr. SPEAKER: We shall take up these new matters last of all.

Clause 17.

Mr. SPEAKER: The first portion of Mr. Rasik Lal Biswas' amendment No. 1616 which runs as follows:—

That clause 17 of the Bill be substituted by the following:—

"In section 67 of the said Act for the words 'at the rate of twelve and half' the words 'the rate of which shall not exceed in any case six per centum,' be substituted....."

is in order on the simple ground because it mentions the rate of interest.

Babu NAGENDRA NATH SEN: Sir, may I be permitted to say something with reference to my amendment No. 1627 which refers to sub-section (*1*) of section 68——

Mr. SPEAKER: Mr. Sen, you want that instead of interest at 12½ per cent. the court shall award damages. So your proposal is with reference to damages; but as section 68 does not provide that damages should be awarded in place of interest, I do not think it can come in.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I may point out that section 68 is not touched at all and Mr. Sen's amendment is to that section.

Mr. SPEAKER: Mr. Sen wants to make a change in the practice of courts according to which a plaintiff will have the right to get damages instead of interest.

Babu NAGENDRA NATH SEN: Sir, if you read section 68 you will see that it touches the question of interest. With your permission, Sir, I may read the section——

Mr. SPEAKER: But it does touch because of the variation in the section 67.

Babu NAGENDRA NATH SEN: Section 68 is in lieu of section 67 in some cases, because courts are entitled to award damages in lieu of interests, so I submit my amendment is in order.

Mr. SPEAKER: In any case it cannot come within section 67.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Section 67 only refers to the right of the landlord to get interest at a particular rate; it may be amicably paid, it may be through the court. I think section 68 only refers to proceedings before a court. That is the fundamental distinction between the two.

Babu NAGENDRA NATH SEN: But whereas section 67 allows a remission of interest, by section 68 that is taken away.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I explain the position, Sir? It was purely by inadvertence that section 68 was not included in the Bill. Government proposes to introduce a short amending Bill as early as possible to remove this anomaly by reducing the damages proportionately.

Mr. SANTOSH KUMAR BASU: May I enquire of the Revenue Minister whether he contemplates to bring forward another Bill only for the rectification of the mistakes, anomalies and defects which may be discovered in this Bill?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If there are anomalies, I think Mr. Bose and myself should get the credit or blame equally for that.

Babu JATINDRA NATH BASU: I believe there is no disagreement amongst the different sections of this House that the burden of interests on arrears of rent should fall as lightly as possible on the tenant. The Tenancy Act provides that the rate should be 12½ per cent. This Bill provides that that rate should be reduced to 6¼ per cent. So far as the rate of interest goes it does not appear to be an unreasonable rate. But I desire to draw the attention of Government and of this House to the fact that if the landlord who has to pay revenue to Government and who has to pay several kinds of cesses, viz., road cess, public works cess, education cess, etc., to Government on his own behalf, and in many cases on behalf of the tenant who defaults, he has to pay under the Acts now in force interest after default at the rate of 12½ per cent. per year. If Government will be pleased to announce that they will bring an amending Bill reducing the rate of interest payable by landlords to Government from 12½ per cent. to 6¼ per cent., then there will, I believe, be a unanimous acceptance of this provision regarding reduction of interest, brought forward in this Bill, on behalf of all sections of this House. The landlord has to collect from his tenants in order to pay revenue to Government. Though the tenant may be in arrear and may not pay, the landlord has to pay to Government, and if he is in arrear he has to pay interest to Government at the higher rate of 12½ per cent. Where is that difference between the higher rate and the lower rate to come from? If the tenants desire that a certain thing should be done to them, they should agree that the same kind of justice should be meted out to the landlord. I therefore submit that so long as the several Acts which provide for payment by the landlord to Government of interest at the rate of 12½ per cent. continue, the rate that the landlord will be entitled to charge from his tenants should be the same. The landlord is not making a profit.

At this stage the House was adjourned for 15 minutes.

(After adjournment.)

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I rise to give my support to the amendment moved by Mr. Manmatha Nath Roy, limiting the rate of interest to 5 per cent. Sir, I have tried with all

my might to find out some reason behind the support which was accorded to the Government proposal of a 6¼ per cent. interest, by my hon'ble friend Mr. Bari. He is not before me now, so that it makes it difficult for me to reply in detail to the speech he made here last evening. The language in which it was couched, the sentiments and reasons which inspired it were such as could ordinarily have been treated with indifference. But he took upon himself to cast flings and aspersions upon the Congress Party in this House which according to him went to the same lobby with Maharajas and Kumars on this question of improving the status of tenants and under-raiyats the other day. Now, Sir, some people in this House are not like ordinary politicians, who are twitted with having no conscience at all. With them I find that they are rejoining in a multiplicity of consciences. One conscience leads them to refuse the payment of any interest at all, whatever may be the percentage or whatever the rate. They proclaim that their conscience dictates them not to agree to the payment of any interest at all, however small it may be. At the same time there is another conscience which pulls them towards the Government proposal of a 6¼ per cent. interest, and these two consciences which are apparently hostile, which are apparently conflicting with each other, do not seem to trouble or worry them at all, because out of these two consciences there apparently emerges another conscience which induces them to oppose the amendment which tries to fix the rate of interest at 5 per cent. because, forsooth, it proceeds from a particular quarter, namely, the Congress Party! My esteemed friend Mr. Bari has twitted us with having—(A VOICE: He is absent.)—I see that he is absent but let me address my observations to those who stand behind him and support the Government proposal of 6¼ per cent. Now, Sir, Mr. Bari has said that by a process of gradual evolution, they will arrive at a time when all interest would be abolished so far as the Bengal Tenancy Act is concerned. He said that Rome was not built in a day, that this building, too, was not built in a day and that they have but started making a noble attempt at abolishing all interest altogether by accepting the Government proposal of a 6¼ per cent. interest to-day. Mr. Bari has said that they have made a beginning in the matter of conceding privileges and rights to the tenants of Bengal, and they have so far proceeded in their attempt that they will accept the Government proposal to-day, and by slow and gradual process they will arrive at that stage when they will concede full rights and full privileges to the under-raiyats, although there are people who desire to meet at once the entire demand of the under-tenants, but the improvement of the tillers of the soil, Sir, is apparently beyond the scope of the Bill. I find that some members of the Coalition Party have tabled amendments to the effect that the rate of interest be reduced from 6¼ per cent. to 2¼ per cent. Amendment No. 627 tabled by Mr. Hafizuddin Chowdhury is to the effect that 2¼ per cent. be substituted in place of

6¼ per cent., and amendment No. 628 by Khan Sahib Hamiduddin Ahmad is to the effect that 3 per cent. should be substituted in place of 6¼ per cent. But, unfortunately, Sir, those hon'ble members considered discretion to be the better part of valour and have accepted other amendments on the floor of the House. (A VOICE: They were not moved.) And that is much worse still. Therefore, Sir, I think that the only amendment which is now before the House and which is worthy of support so far as the rate of interest is concerned for the purpose of giving relief—some appreciable relief—to the poor tenants is the amendment of Mr. Manmatha Nath Roy, which tries to fix 5 per cent. as against 6¼ per cent. proposed by Government. No reasons whatsoever can be put forward for the position which Mr. Bari and his friends have taken in the House. He has twitted us with marching into the same lobby with the Maharaja of Mymensingh and Kumar Shib Shekhareswar Roy; he has said that there is an unholy combination between the Congress and those representatives of zamindars. It is strange that members of the Coalition Party have at least on two occasions joined forces with this unholy combination. On the contrary, Sir, the Coalition Party itself is a combination of unholy interests. It is a standing monument of an unholy combination. It is a curious amalgamation of aristocrats and plutocrats, of bureaucrats and democrats—all rolled into one party, and this Bengal Tenancy Amendment Bill is itself a product of this unholy combination. If Sir, we have walked into the same lobby on a single occasion with Kumars and Maharajas in this House, the Coalition Party have marched into the same lobby with Zamindars and Maharajas and Nawabs time after time, and day after day, trampling and crushing under their heels in their triumphant march, the rights and privileges of the tenants of Bengal. ("Question, question" from the Coalition Group.) That is the position which we have witnessed several times. The Coalition Party itself is a combination of the interests, as I have said, of tenants and zamindars, banded together in an unholy combination, which is reflected in a pre-eminent degree in the composition of the Cabinet itself. Sir, I do not wish to take up much of your time. What I can claim is that those who profess to defend the interests of tenants in this House, will again follow us to the same lobby in support of Mr. Manmatha Nath Roy's amendment, because on two other occasions some of my esteemed friends on the Coalition side had the courage of their conviction to stand up in defence of the interests of the tenants and to walk to the same lobby with us. I hope, Sir, that on this occasion too such a spectacle will not be denied to this House and there will be found courageous members among the Coalition Group who will do the same as they did to their credit on the last occasion.

Maulvi ABUL HASHIM: Sir, Mr. Jatindra Nath Basu, while opposing the Government amendment for reducing the rate of interest

from 12 per cent. to 6¼ per cent., has referred to the sunset law and the difficulty of the zamindar. It is not, Sir, for the first time that the sunset law has been referred to. I have heard this plea taken up many a time whenever any attempt has been made to give some relief to the tenants and to do some justice to them. This sunset law has been referred to and the difficulties of the zamindars have been spoken of times without number. The zamindars, so far as I can understand them, are merely agents for collecting rents from the tenants and giving it to the Government. That is their duty, and for this duty they are allowed some profit by way of remuneration for the trouble they take in realizing rents and giving them to Government. The entire zamindary system, Sir, and particularly the Permanent Settlement, was introduced only to assure realization of revenue from the tenants for Government. Now, Sir, if the zamindars be alert and dutiful and very much careful of their duties and if they take some interest in their tenants, I do not see that there should be any occasion for zamindars to be unable to pay revenue at the right time. But, Sir, if you take it for argument's sake that the zamindars have for a long time been accustomed to a negligent and lethargic life, they may find some difficulty in paying up their revenue at the right time and giving relief to the tenants at the same time. My submission is this that if they be not careful then in place of one zamindar another might come, and he will perform that duty of rent-collection. Now, Sir, popular opinion in this country is for abolishing the zamindary system. If, however, it is found that no one can perform this duty, Government would take upon themselves the performance of this duty. The question of sunset law and other difficulties does not arise. The real question is whether the tenants are entitled to get some relief or not.

Now, Sir, I come to the question of the rate of interest being fixed at 5 per cent. My friend Mr. Santosh Kumar Basu of the Opposition has spoken a few words in reference to the Coalition Party. Need I remind him that the Government means the party behind it, and need I remind him that the Ministers are merely the representatives and leaders of the party behind them, and whatever they speak on the floor of the House are supposed and presumed to have the sanction of the party behind them. And when the Hon'ble Minister has moved an amendment proposing to reduce the rate of interest to 6¼ per cent., it must be presumed that that rate has been decided upon by the party behind it, and that this amendment has the sanction of the party behind him. And it is only for this reason that I support 6¼ per cent. in place of 5 per cent. proposed by Mr. Manmatha Nath Roy. Then, again, Sir, even if the Hon'ble Minister had put in an amendment reducing the rate of interest from 12 to 1 per cent., I have no doubt that our Congress friends in their anxiety to get public

applause would have made an attempt to reduce the rate to ½ per cent Sir, the real purpose of my Congress friends behind these proposals for reducing the rate of interest is not to give the poor cultivators any relief, but it is simply the outcome of a desire to have plaudits from the public at large at the cost of the Coalition Party. Mr. Santosh Kumar Basu, referring to this party, has said that this party is composed of an unholy combination of landlords and tenants. In this respect while giving my reply to him I am constrained to make certain remarks which may not be pleasant to my Congress friends here. They will bear me out when I say that the Congress Party, with a few negligible exceptions, is composed of caste Hindu representatives.

Now, Sir, we have noticed with great pleasure and with a great sense of pride that landlords, knights, Nawabs, etc., of this group have not spoken a single word either here or outside against the decision of their own party in regard to the amendment of the Bengal Tenancy Act. But it seems pitiable that whatever may be the party ticket of some of the gentlemen, who have stood up here to speak against this amendment, they all belong to the caste Hindu group whom our Congress friends do represent and they have not even hesitated to call our group the expropriating group.

Mr. SANTOSH KUMAR BASU: May I rise on a point of order, Sir? Is there any caste Hindu group in this House?

Maulvi ABUL HASHIM: Yes. Mr. Basu has referred to the unholy combination alleged to be existing in the Coalition Party. He has further said that members of this party follow the heels of the knights, Nawabs, Maharajas, etc., simply to crush the tenants, but, Sir, these landlords are not like those who speak against this Bill on the floor of this House. There is a good deal of difference between caste Hindu landlords and Muhammadan landlords like the Nawab Bahadur of Dacca for instance. (Ironical cheers from Congress benches.) Ever since the beginning of British rule in India, under the protection of the British bayonet, it is the caste Hindus who have been exploiting the Muhammadan masses. Sir, doing injury to the poor cultivators means doing injury to the country as a whole—a point which my Congress friends are very apt to forget. I do not deny that there are many amongst our friends in the Opposition who really feel for the poor tenants. I recognize that. But will our friends opposite deny that the leaders of the Congress Party are no less zamindars in spite of their professions that they are always anxious to improve the lot of the tenantry of this province? It is only, for the purpose of playing to the gallery, Sir, I submit, that they have brought forward this proposal to fix the rate of interest at 5 per cent.

I have the greatest regard for the Indian National Congress—that great political organization, but I have no confidence whatever in the Bengal Congress, particularly its politics. It is controlled by caste Hindu leaders, landlords, big barristers (Mr. KIRAN SANKAR ROY: Why not join them?), who have nothing to do with the interests of the tenants. However much they talk of nationalism, in our experience we find that they are communalists of the worst type. They talk of nationalism but they are communalists of the worst type.

Then Mr. Santosh Kumar Basu referred to the conscience of this side of the House in connection with the speech delivered by Mr. Abdul Bari yesterday. I did not hear his speech, but I found from the papers that he said he was against any interest. I say it is quite true, because as Musalmans we are against the taking of any interest and if this province were entirely peopled by Musalmans like Arabia we are perfectly sure we would have abolished this interest. According to the injunctions of the "Koran" interest is *haram*, and it has been abolished for all time to come in the Moslem country, but our friends on the other side have been receiving interest for a long time and it is on this ground that we are yielding and retaining the system of paying interest. We do not want to take away the privilege which they enjoyed so long because we, the Musalmans, are not inclined to do injustice to any party. We want to do justice. (A VOICE: What about the Kabulis? Are they not Musalmans? Do they not take interest?) We have got regard for the sentiments and feelings of other people, so instead of completely abolishing the system of taking interest we propose to reduce it only. Our conscience is very clear.

With these words I support the Government amendment for reduction of interest to 6¼ per cent. The other party's proposal to reduce the rate of interest to 5 per cent. or 4 per cent. has been brought in merely to discredit the Ministry and get a cheap applause.

Mr. ABDUR RAHMAN SIDDIQI: I would not have intervened in this very technical debate but the Hon'ble Member from the side opposite has given me a chance. I know very little about the intricacies of this Tenancy Bill, but I find that a majority of the members of this august assembly know just as much as I do. To build up your case for nationalism on 1¼ per cent. and take shelter behind this small and insignficant percentage looks rather cheap and his method of preaching homilies on nationalism to people who claim to be as big or as small nationalists as the Hon'ble Member considers himself to be, is not a very happy one. There is an Urdu couplet—

"Ham agar baithen to kahil kahlain,
Shaikh baithey to tawakkul thairey".

which when translated means:—

"If we sit (doing nothing) we are dubbed lazy,

(But) if the Shaikh sits—it becomes dependence on Providence."

If the Hon'ble Minister had put the interest to be at 5 per cent. the Hon'ble Member would, as the champion of everything nationalist or as the monopolist in the protection of the rights of the tenants, come forward with an amendment to reduce it to something like 4-7/8 per cent. This is not an approved method of getting notoriety either for a person or for a party. I have been listening to the speeches on this Bill and I think that it has been discussed threadbare more or less as a family affair. Each section of the House has contributed its mite to improve it but to call the Coalition Group by names the Hon'ble Member has given to it, is a thing which would recoil on himself and his party. I do not know how to define or distinguish a zamindar, but a zamindar is perhaps as good or as bad as a big lawyer and, therefore, I would characterise both, if called upon to do so, as blood-suckers of the poor tenants, but I shall not go so far. I will, however, ask the hon'ble member to look round himself and say if he can see even with a magnifier a real bit of a zamindar in his own camp. I am sure he will agree with me that calling the Coalition Party, which represents almost every section of Bengal's society and which claims to speak more rightfully in the name of Bengal than the party to which he belongs, and unholy alliance of Rajas, Nawabs and Zamindars, is not correct. His party is trying to seek the assistance of men and groups who represent nobody but who claim to represent certain views which do not exist. To hang nationalism on the tottering and shaky peg of 1¼ per cent., a peg which is likely to come off the wall at the slightest touch, does not show much statesmanship, much less does it show any trace of an attempt to win over people to his way of thinking. I was expecting that the hon'ble member would try and explain to us whether, the interesting point raised by the hon'ble member who spoke on behalf of the non-Congress nationalist group, namely, the reduction from 12½ per cent. to 6¼ per cent., would in any way affect the other Acts obtaining in the province and whether the Hon'ble Minister in charge of the Bill would bring in an amending Bill and put the various percentages of interest laid down in them, into line with his 6¼ per cent. Instead of discussing this important point, a violent and passionate attack has been made which does no credit to him. I am sure when he goes back home he will realise that there are people present in this House and on this side of it who do not yield to anybody in their efforts to serve, in their own humble way, the interests of Bengal and the interests of its tenants.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At the outset I may assure my esteemed friend Mr. J. N. Basu that at the earliest opportunity Government propose to introduce a short amending Bill to bring the rate of interest in other Acts in line with the interest of the Bengal Tenancy Act. Government do not want to be generous to one community without being just to others, that is why they have put the interest at 6¼ per cent. which means a reduction of exactly 50 per cent., viz., from 12½ per cent. to 6¼ per cent. This rate of interest has been fixed with reference to the market rate. In doing so Government had always in view the difficulties of the landlords in meeting their revenue demands. The landlords do find it difficult to raise money on mufassal property at a rate of interest lower than 6¼ per cent. even in the present market, and that is why Government thought 6¼ per cent. to be a very just and reasonable figure: to go below 6¼ per cent. would not be just.

My friend Mr. Santosh Kumar Basu had a fling at the Bengal Cabinet and described it as an unholy combination—as a combination of bureaucrats and aristocrats. First of all I would venture to submit that none of us do claim ourselves to be aristocrats. Mr. Basu's remarks reminds me of a saying that the bureaucrats consist of functionaries while the democrats are only idolaters. My friends opposite who profess to be democrats are nothing but idolaters. In the Bengal Cabinet if we are bureaucrats, we are certainly functionaries and we function in the interest of the people.

Mr. SARAT CHANDRA BOSE: May we know which is the idol of democrats?

Mr. SANTOSH KUMAR BASU: May we know since when the Hon'ble Minister has learnt to cast fling at idolatry? Perhaps since his appointment in the new Ministry.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Santosh Kumar Basu said that the Coalition Party has a double conscience and it finds it difficult to reconcile the double conscience in supporting the Government amendment and opposing the amendment moved by my friend opposite. I may assure him that the Coalition Party has got one conscience which is very clean and it has got nothing in view but the interest of the cultivators (hear, hear from the Coalition group). This Bill which has been introduced with the sole object of benefiting the tenants of Bengal is an unmistakable sign and proof of their ideas and ideals——

Mr. SARAT CHANDRA BOSE: But no provision has been made regarding under-raiyats.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We are not for cheap popularity as my friends over there are, but we are for solid work and service. I am sure when the tumult and bustle of the present controversy will be over, the public in Bengal will recognise the services that this Cabinet and the supporters of this Cabinet have at least attempted to render to the teeming millions of the Province. (Mr. SARAT CHANDRA BOSE: Have you done anything for the under-raiyats?) The Leader of the Opposition asks me what have we done for the under-raiyats. Sir, I have told him over and over again that here is a Bill which is not a comprehensive measure for amending the whole Bengal Tenancy Act, but for bringing a change in the whole land tenure system of Bengal. This Bill aims at removing some of the pressing grievances of the tenants. Can my friends deny that my Bill will serve this purpose?

Mr. SARAT CHANDRA BOSE: The name of the idol has not come out yet.

Mr. SPEAKER: There are 3 amendments before the House. The first amendment is No. 611 which wants deletion of clause 17 moved by Kumar Shib Shekhareswar Roy, the second is No. 629 moved by Mr. Manmatha Nath Roy which wants the interest to be reduced to 5 per cent. and the third is No. 632 moved by Mr. Chippendale which seeks to increase the rate of interest to 9 per cent.

Kumar SHIB SHEKHARESWAR ROY to move that clause 17 be omitted.

The motion of Kumar Shib Shekhareswar Roy was put and lost.

Mr. J. W. CHIPPENDALE to move that in clause 17 in line 2 for the words "six and a quarter" the word "nine" be substituted.

The motion of Mr. Chippendale was put and lost.

The motion of Mr. Manmatha Nath Roy that in clause 17, in line 2, for the words "six and a quarter" the word "five" be substituted was then put and a division taken with the following result:—

AYES.

Abdul Jabbar Paiwan, Mr. Md.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Makhin Chandra.

Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Fazlur Rahman Muktear, Mr.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Goswami, Mr. Tulsi Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Idris Ahmed Mia, Mr.
Jonah Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazamdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Manirazzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Masud Ali Khan Panni, Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Barada Prosana.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rashaed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta of Maktagacha, Mymensingh.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barma, Mr. Paspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Babu Jatindra Nath.
Biswas, Babu Lakshmi Narayan.
Brasher, Mr. F. C.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Gammeter, Mr. E. C.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syad.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hosina Murshed, Mrs.
Hatemally damadar, Khan Sahib.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Jalaludodin Ahmad, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal, Mr. Krishna Prasad.

Maniruddin Akhand, Maulvi.
Milne-Robertson Mr. C. E. L.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammed Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nasher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, he Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Sen, Rai Bahaaur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khandkar, Mr.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Totel Ahmed Choudhury, Maulvi Haji.
Wahur Rahman, Maulvi.
West, Mrs. Ellen.

(Before announcing the division Mr. Speaker observed as follows:)

Mr. SPEAKER: Before I announce the division, may I draw the attention of the Leader of the House to a most unseemly conduct which happened while the division was going on and I trust the Leader of the House will take necessary steps in the matter so that there will be no repetition of an incident of this character requiring my intervention. At the time when the division was going on I found a gentleman being dragged into the division lobby. There is a limit to such a thing. In spite of the fact that I drew repeated attention of the gentleman that he should not do it and in spite of my sending the Secretary to him and in spite of my telling him that his vote will be expunged if he is taken in that manner, he continued to do so, in such a glaring manner that at a normal sitting of the House I would have asked the gentleman to withdraw. This is a flagrant breach of the authority which cannot possibly be tolerated and it will be impossible to carry on if things go on in this manner. I draw the attention of the Leader of the House in the hope that there will be no repetition of this incident and I have expunged the vote of the gentleman who was forcibly taken into the division lobby.

The Ayes being 69 and the Noes 116, the motion was lost.

Clause 17.

The motion that clause 17 stands part of the Bill was then put and agreed to.

Mr. SPEAKER: Sir Bijoy, will it be inconvenient if I do not take up clauses 18 and 20 now?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, it will be most convenient if you will kindly adjourn 18 and 20.

Mr. SPEAKER: I myself do not want to take up clause 19 to-day because I find a notice for amendment has been given by the Minister-in-charge and I am not particularly certain as yet as to whether the amendment is in order. In view of the fact that I will have to consider that I will take up clause 21 to-day and take the other three later on.

Mr. RASIK LAL BISWAS: On a point of information, Sir. The Hon'ble the Revenue Minister has given a short-notice amendment. Will you permit us to give amendment to that amendment?

Mr. SPEAKER: Certainly, if necessary.

Clause 21.

Mr. NISITHA NATH KUNDU: Sir, I beg to move that in clause 21, proposed section 85B, be omitted.

Mr. SPEAKER: Amendments Nos. 1059 and 1060 are beyond the scope of the Bill.

Babu NAGENDRA NATH SEN: Sir, may I submit that recovery of arrears of rent with respect to fishery is governed by the provisions of the Bengal Tenancy Act?

Mr. SPEAKER: Mr. Sen, your explanation touches the definition and I cannot allow the definition to be touched.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to point out one matter before you formally put the amendments before the House. What I suggest is practically a drafting amendment.

I propose that the words "and under-raiyats" in line 3 and the words "the prescribed and" in the 6th line and the words "and under-raiyats" in the penultimate line should go out from sub-clause (2) of clause 21.

Sir, "prescribed fee" here need not be used. We do not think it necessary for a tenure-holder to give notice to all the under-raiyats when he wants to surrender his tenure. It will do if he simply gives notice to the raiyats, otherwise it would be very difficult to do it in practice.

About the "prescribed fee," it means the court-fee. I do not think it is necessary to mention it. The usual fee will be paid and on the same ground I suggest the deletion of the words "under-raiyats."

Short-Notice Amendments.

With your permission, Sir, I beg to move the three following short-notice amendments:—

I beg to move that the words "and under-raiyats" in line 3 of sub clause (*2*) of clause 21 be deleted.

I beg to move that the words "the prescribed fee and" in line 6 in the same sub-clause be omitted.

I beg also to move that the words "and under-raiyats" in the penultimate line of sub-clause (*2*) be deleted.

Section 22.

Mr. NISITHA NATH KUNDU: Sir, I want to move my amendment No. 1553 in which I want to substitute certain words in section 86. Section 86 provides for the surrender and abandonment of holdings.

Mr. SPEAKER: I am afraid as you want to make a change in section 22, your amendment is beyond the scope of this Bill.

The following amendment was then, by leave of the House, withdrawn:—

"That in clause 21, proposed section 85B be omitted."

The three short-notice amendments of the Hon'ble Sir Bijoy Prasad Singh Roy were put and agreed to.

Clause 21.

The motion that clause 21, as amended in the Assembly, stand part of the Bill, was put and agreed to.

Clause 22.

The motion that clause 22 stands part of the Bill, was then put and agreed to.

Adjournment.

The House was then adjourned till 10-30 a.m. on Saturday, the 25th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Saturday, the 25th September, 1937, at 10-30 a.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 198 members.

STARRED QUESTIONS

(to which oral answers were given)

Scheme for a suitable outfall from the Garden Reach Municipal area to the river Hooghly.

***282. Mr. ANUKUL CHANDRA DAS:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that there was flooding in the area under the Belpukur Union Board within Mohestala thana, 24-Parganas;

(*ii*) that the Garden Reach Municipality discharges its drain in the Union Board area;

(*iii*) that there is no continuous drain of the municipality for discharging their sullage water from their slaughter house;

(*iv*) that the sullage water of the municipality is discharged in the rural area;

(*v*) that there is a scheme of a suitable outfall from the Garden Reach Municipal area to the river Hooghly; and

(*vi*) that the municipality is not taking it up?

(*b*) Does the Hon'ble Minister propose taking action in the matter?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*)(*i*) The area flooded is within the Metiabruz police-station and not in Mohestala thana.

(*ii*) No.

(*iii*) Sullage from the slaughter house is not discharged into a drain but is collected in a cess pit which is daily cleaned.

(*iv*) No; the sullage water is collected in cess pits attached to privies and removed by sullage carts to the municipal trenching grounds.

(*v*) and (*vi*) Yes; a scheme is at present under the consideration of the municipal commissioners.

(*b*) Does not arise.

Mr. SYED JALALUDDIN HASHEMY: With reference to answers (*v*) and (*vi*), is the Hon'ble Minister aware of the fact that the financial condition of the Garden Reach Municipality will not permit it at present to take up any scheme whatsoever as suggested by the Hon'ble Minister?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that the municipality has not yet been able to clear up the dues of the Calcutta Corporation on account of financial stringency?

The Hon'ble Maulvi SYED NAUSHER ALI: I require notice.

Excise vendors in Bakarganj.

***283. Mr. UPENDRANATH EDBAR:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to lay on the table a statement showing—

(*i*) the names of all the excise vendors to whom licences have been granted or renewed, as the case may be, in 1937, in the district of Bakarganj for selling—

(1) *ganja*,

(2) opium,

(3) *bhang*, and

(4) wine; and

(*ii*) the number of excise vendors appointed by the District Magistrate of Bakarganj during the current year with the number of (1) caste Hindus, (2) scheduled castes, and (3) Mussalmans?

(*b*) If the number of such vendors from the scheduled castes is nil, or very small in comparison with other castes, is the Hon'ble Minister considering the desirability of granting sufficient number of licenoes to the scheduled castes applicants in future?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) A statement is laid on the Library table.

(*b*) There is no objection to licences being granted to men of the scheduled castes and there has been no discrimination against them in the past.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state whether so long the policy adopted by Government has been to give preference to educated *bhadralogs* in granting licenses?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Yes, Sir.

Mr. ABDULLA-AL MAHMOOD: Is it a fact that there has been an increase in the number of excise shops in 1936?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I require notice.

Prosecutions in the court of Subdivisional Officer of Bongaon, Jessore, under section 290, Indian Penal Code.

***284. Mr. SERAJUL ISLAM:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing, year by year, since 1934—

(*i*) how many prosecutions there were in the court of the Subdivisional Officer of Bongaon in the district of Jessore, under section 290, Indian Penal Code, for clearing and cutting jungles;

(*ii*) at whose initiative were those prosecutions started;

(*iii*) how many cases ended in imposition of fines;

(*iv*) what is the total amount of such fine;

(*v*) how many prosecutions were started under the Tobacco Act in the said court;

(*vi*) in how many of those cases fines were imposed; and

(*vii*) what is the total amount of such fines?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*i*) and (*iii*) to (*vii*) A statement is laid on the table.

(*ii*) Sanitary Inspectors, Circle Officers, and Presidents of Union Boards, who were moved in all cases by villagers.

Statement referred to in the answer to clauses (i) and (iii) to (vii) of starred question No.284.

		1934.	1935.	1936.	1937 up to August.
(*i*)	..	1	Nil	21	56
(*iii*)	..	1	Nil	Nil	Nil
(*iv*)	..	Rs. 40	Nil	Nil	Nil
(*v*)	..	Nil	Nil	66	7
(*vi*)	..	Nil	Nil	58	7
(*vii*)	..	Nil	Nil	Rs. 233	Rs. 17

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Rivers Titash and Howra in Tippera.

273. Mr. MAQBUL HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Communication and Works (Irrigation) Department aware of the fact that owing to the silting up of the river Titash from Akhaura to Ujanishar and of the river Howra from Mogra to Akhaura in the district of Tippera, there has been an obstruction to free passage of water resulting in floods almost every year?

(*b*) Will the Hon'ble Minister consider it desirable to make an immediate inquiry into the matter through an expert and devise ways and means for dredging the same rivers where necessary?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) Yes.

(*b*) As regards the Titash, the member is referred to the reply given to unstarred question No. 23 asked by Mr. Dhirendra Nath Datta. An investigation has been ordered regarding the river Howra and the result is awaited.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when the investigation was begun and when the result is expected to be received?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is difficult to give any idea when it will be completed but investigation, as has been stated in the reply, has already been ordered.

Mor Reservoir project.

274. Dr. SHARAT CHANDRA MUKHERJI: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that the embankment on the south-east bank of the river Mor, near the village Loghosa in the district of Birbhum, first broke through about 15 years ago and thereby damaged about 600 acres of land making them absolutely useless by deposit of sand and that in spite of repeated petitions to authorities no permanent redress has been made?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister consider the desirability of paying his immediate attention to this and make a suitable grant to save the situation?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) I have no information about this particular breach.

(*b*) The Mor Reservoir project is under the consideration of Government; if it becomes practicable to give effect to this costly scheme, it will be possible to control the flood in the river.

Dr. SHARAT CHANDRA MUKHERJI: Is there any other means to redress the grievances?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am not aware of any at the moment.

Opening of "Title course" classes in mufassal madrasahs.

275. Maulana SHAMSUL HUDA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the reason why there is no permission for opening "Title Course" in mufassal other than Calcutta Madrasah?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government is contemplating sanctioning grant-in-aid for the old scheme madrasahs from the current year's budget?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The "Title Course" classes attached to Calcutta Madrasah are not yet full. Besides, there is no old type madrasah in the mufassal which can conduct the "Title" classes efficiently with the staff and financial resources at its disposal.

(*b*) Government have decided to give a building grant of Rs. 7,000 to an old type senior madrasah during the current year. A monthly grant of Rs. 200 has been sanctioned for another old type senior madrasah.

Bomb in Deoli Detention Camp.

276. Mr. SATYA PRIYA BANERJI: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact—

(*i*) that a bomb was discovered in Camp No. 1 of the Deoli Detention Camp some time ago;

(*ii*) that 3 Intelligence Branch Inspectors were deputed from Calcutta to enquire into the matter;

(*iii*) that it transpired as a result of the enquiry that the convicts, employed as servants of the detenus, prepared the bomb and put it in camp; and

(*iv*) that the convicts made a confession to the said effect?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state the steps that have been taken to punish the convicts and to prevent a recurrence of such incidents?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) The Deoli Detention Jail is under the administrative control of the Government of India; I am therefore not in a position to reply to the questions asked by the hon'ble member, other than (*a*)(*ii*). The answer to that question is that officers of the Bengal Intelligence Branch were deputed at the request of the Central authorities to make an investigation on their behalf.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the result of the investigation by the Intelligence Branch men who had been deputed to enquire into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have stated already in the answer, that is a matter for the Government of India. All we did was to lend our officers for the purpose of investigation.

Babu NAGENDRA NATH SEN: Has any report been received from the Intelligence Branch men who were deputed from Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: A copy of the report has been received.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to lay on the table a copy of the report received?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret that is not possible, because it is a matter for the Government of India. The Government of Bengal has only been informed of it.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to obtain the orders of the Government of India on that subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will consider that request.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is the policy of the Provincial Government to take a report from their officers lent to the Central Government when they finish their business on deputation?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Dacca Board of Secondary Education.

277. Mr. S. A. SALIM: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the number and names of the persons nominated as members of the Dacca Board of Secondary Education in the year 1936-37; and

(*ii*) the names and number of the persons nominated in the year 1937-38?

(*b*) Is it a fact that after the nomination previously gazetted two nominations were added without consulting the Vice-Chancellor and Commissioner of the Division?

(*c*) Is it a fact that previously nominations were made in consultation with the Vice-Chancellor and the Commissioner of the Division?

(*d*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of those two persons nominated after the publication in the *Gazette* of the other names?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Government resolutions giving the necessary information are placed on the Library table.

(*b*) Yes.

(*c*) Yes, but this is not required by any rules.

(*d*) The member is referred to Notification No. 2799Edn., dated the 24th August, 1937, appearing in the *Calcutta Gazette* of the 2nd September, 1937.

Recruitment of Muslim Assistant and Sub-Assistant Surgeons from Rajshahi.

278. Maulvi MOSLEM ALI MOLLAH: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether any Muslim Assistant and Sub-Assistant Surgeons have been recruited from the district of Rajshahi?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Is the Hon'ble Minister considering the desirability of recruiting Muslim candidates of the district as such in the near future?

The Hon'ble Maulvi SYED NAUSHER ALI: I am afraid question (*a*) is too indefinite to admit of a definite reply, and so (*b*) and (*c*) do not arise.

I may, however, explain that recruitment to the medical services is not made on a territorial basis.

Filling up of the posts of Auditors and Inspectors for Dinajpur from the indigenous inhabitants of the district.

279. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state what principle, if any, has been adopted in distributing the appointments of auditors and inspectors in the different districts of the province?

(*b*) How many appointments have been distributed to the district of Dinajpur?

(*c*) Has the District Magistrate been asked to nominate any scheduled class candidate from Dinajpur; if so, how many of them?

(*d*) Are all the nominees of the District Magistrate indigenous inhabitants of Dinajpur; if not, why nomination has been given to an outsider when there are qualified candidates who are indigenous inhabitants of the district?

(*e*) Does the Government think it desirable to ask the District Magistrate to cancel the nomination of candidate or candidates who are not indigenous inhabitants of the district and renominate indigenous inhabitant candidate or candidates instead?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) No appointments have yet been made.

(*b*) Does not arise.

(*c*) This is confidential and I regret this cannot be disclosed.

(*d*) Yes.

(*e*) Does not arise.

Mr. ATUL KRISHNA GHOSE: Is it the policy of Government to discriminate between the indigenous and non-indigenous inhabitants of the very same district?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would rather leave that matter to the hon'ble member who put the question. This is not an appointment for the district of Dinajpore alone and therefore I am not in a position to say whether any discrimination will be made or not.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether in the interest of efficiency of service it is not desirable to give some scope to the departmental head to discriminate between the recommendations given by District Magistrates?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe that is a matter of opinion.

Maulvi ABUL HASHIM: With reference to answer (*a*), is it the Government policy to confine local appointments and local nominations to the people of the locality?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think in the first place that is so.

Mr. NISHITHA NATH KUNDU: Has there been any distribution according to districts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already answered that it is not so.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether certain percentages are reserved for Muhammadan, general Hindu and Scheduled caste candidates and, if so, why the answer (*c*) is confidential?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the hon'ble member to the answer given by me to a previous question wherein I have stated that the ratio will be fixed but that has not yet been done.

Percentage of communal recruitment to posts of Inspectors and Auditors in the Co-operative Department.

280. Babu MADHUSUDAN SARKER: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that nominations for appointments have been called for from the District Officers specifying the number of candidates to be nominated from the Muhammadans, General Hindus, scheduled castes and all other minority communities?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to place on the table a list showing, district by district, the number of candidates to be nominated from the Muhammadans, General Hindus, scheduled castes and all other minority communities.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) The hon'ble member is referred to the answer to starred question No. 8 and also to the answers to its supplementary questions given at this session of the Bengal Legislative Assembly on the 2nd August, 1937.

(*b*) This is confidential and I regret this cannot be disclosed.

Maulvi ABDUL LATIF BISWAS: Were all the applicants of each district granted interviews?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I ask for notice.

Report of Proceedings of House published in "Amrita Bazar Patrika."

Dr. NALINAKSHA SANYAL: May I rise on a point of privilege? I have to draw your attention to the report of the proceedings of the House published in the *Amrita Bazar Patrika* this morning. In that report my speech in connection with the supplementary budget has been grossly mutilated, if not, I submit, a garbled report given; whereas the reply given by the Hon'ble the Finance Minister has been published in

full, so much so that the reporting of that speech has led to a ridiculous situation. For instance, reference has been made in that speech to a part of my speech which has not been reported in the paper. This is not a fair reporting of the proceedings as required under the rules. May I draw your attention to May's Parliamentary Practice where it is definitely stated that reporting of speeches, if any,—because reporting is not usually permitted in England without the distinct permission of the Speaker—if it is at all made, the same must be a true and fair report of the discussions on both sides of the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, Sir, a hearing ought to be given to the newspaper concerned before any decision is arrived at.

Dr. NALINAKSHA SANYAL: May I enquire whether the Home Minister seeks to defend the paper because it is one of the newspapers which enjoys the special patronage of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit, Sir, that I refer to it because the Hon'ble the Finance Minister's speech is concerned?

Mr. SPEAKER: I am not aware as to who is in quarrel with the newspaper and who is in favour of it. In view of the fact that the question has been raised, I will examine it and if I find that a *prima facie* case has been made out, I shall refer the matter to the Committee of Privilege.

GOVERNMENT BILL.

Bengal Tenancy Bill.

Mr. SPEAKER: I think it would be convenient to the House if I leave out the 5 sections relating to penalty, suspension, religious structure, diluvion and alluvion and division of tenancies, to be dealt with on Monday. The rest are more or less of a consequential nature and I hope the House will give me necessary co-operation to see that the other sections are finished to-day.

Mr. RASIK LAL BISWAS: We have not yet been able to examine the amendments to those sections and some of our amendments may contain printing mistakes and others which make them as not in order. In order to remove the discrepancies we want time to examine them.

Mr. SPEAKER: I should like to have the opinion of the House in this matter.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think the procedure which has been adopted by you will be quite acceptable to Government.

Babu JATINDRA NATH BASU: It will also be acceptable to my group.

Mr. SURENDRA NATH BISWAS: In the meantime, I hope you will permit us to bring in short-notice amendments.

Mr. SPEAKER: Certainly, if they are admissible. Before I take up the other items I should like the Hon'ble the Revenue Minister to come ready on Monday and satisfy me as to the admissibility of his two short-notice amendments. One is the question of penalty. It is a very important matter and I would request the Hon'ble Minister to come prepared so that there may not be any waste of time over it. In the previous Bengal Tenancy (Amendment) Act, 1907, section 58(*3*), says that if a landlord or his agent without reasonable cause fails to deliver to the tenant a receipt or statement, or to prepare and retain a counterfoil or copy of a receipt or statement, as required by either of the said sections, such landlord or agent, as the case may be, shall be liable to a fine not exceeding fifty rupees, to be imposed, after summary inquiry, by the Collector. Now there was a ruling reported in 9 C.W.N., at page 816, by which it was held that it was within the competency of a magistrate to take cognizance under section 58(*3*). On that there was a certain amount of conflict of views as to whether both the civil and the criminal courts had jurisdiction. A Bill was introduced in 1907 both in the Eastern Bengal and Assam Council as well as in the Bengal Council with a view to clear up that point, and the remedy suggested was the "criminal" remedy, but the matter went up to Select Committee and there it was changed entirely into a "civil" remedy.

The question, therefore, arising in this connection is this: I am not at all discussing now the powers of the House. This House is quite competent to create an offence. The only question with which I am concerned is whether you can do it by an amendment; in other words, the Bill, as proposed, provides a civil remedy—a remedy which is an actionable wrong. I think, by all means of procedure and substance, there is a good deal of distinction between procedure and substance and also there is a difference between the civil remedy and the criminal remedy. It is all the more important because some of the amendments show to what extent crime can be punished. Some members have even suggested whipping as a punishment, and I think it is open to the House to say how an offence is to be punished; also you will remember that the right of franchise and the right of membership of this House depend to what extent the quantum of punishment is given in a criminal offence. Whether your amendment is not a change in substance and

whether all amendments which provide for a criminal penalty as an amendment to the Bill, are matters on which I would like to have a full discussion by you, Sir Bijoy. The other point is about the question with regard to clause 19, and that is about the suspension clause. The amendment of which you gave notice only yesterday and which I have had circulated to the House pending its admission is this, that, instead of the present section which provides suspension, you want all decrees passed after the 27th of August, 1937, to be void and all provisions of the Act relating to enhancement or reduction are to be suspended. I am not for the time being entering into the question as to whether from the drafting point of view you should not have been more specific, but the question is that, so far as your Bill is concerned, there is nothing in it in the nature of a declaration of voiding a civil court decree—civil court including the High Court. I think there are under the present Government of India Act, two sections, viz., sections 223 and 292, under which the High Court and the civil courts are to administer the existing laws till they are repealed. The question is whether by repealing them you can give a retrospective character to the provisions of this Bill. In other words, there would be certain anomalies which you ought to consider. I am very sorry I had to explain these matters in so much detail, but I want you to get full information on these points and lay down before me on Monday next. Under section 29 it is open to a man by mutual arrangement with a tenant to get an enhancement up to a certain limit. Supposing a man does it on the 27th of August, 1936. Supposing a man has gone to the civil court and a decree is passed in 1937, that will be declared void. Apart from that, there is another difficulty that this Act does not come into operation till the 31st of March, 1938. On the 1st of April, 1938, the Act will be given effect to. Now, up till that time a civil court will be functioning under the present law. You want all orders to be declared void between to-day and the 31st of March, 1938. Now, the civil court passes a decree to-day and executes the decree within a month, then that is finished. The question is that under your law that will be absolutely void, and what remedy you are going to suggest? These are some of the things which have struck me, and I must say that I have been worried for many an hour over these points. So, I would like you to be ready to elucidate these points on Monday next, and to be absolutely certain about the legal position.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Thank you, Sir. I shall try to do my best to be ready with an answer to the points raised by you on Monday.

Mr. SPEAKER: These are very important questions and I have dwelt at length on this matter so that you might understand the full implications of your amendments.

Dr. NALINAKSHA SANYAL: We would also like to know, Sir, on Monday if the Hon'ble the Revenue Minister means to apply this section to the Court of Wards and *Khas Mahal* estates.

Clause 25.

Mr. SPEAKER: We will now take up clause 25. There is only one amendment, viz., No. 1361-1368. Is any member going to move it?

Mr. J. W. CHIPPENDALE: On a point of order, Sir. We are considering here in this amendment the same matter as in clause 32—the whole of chapter XIIIA of the said Act. Would it not be better, Sir, if clause 32 were taken with this matter.

Mr. SPEAKER: We will take that matter up immediately. The clauses of the Bill are so inter-dependent with each other that everywhere you will find that one clause depends upon another. The procedure that I am following here is the one that is followed in Parliament where consequential changes are permitted to be made at the third reading stage. If we find that any particular section has not been repealed, the necessary changes and adjustments will be permitted to be made.

Is anybody moving this amendment, viz., that clause 25 be deleted?

(No member rose to move the amendment.)

The question that clause 25 stands part of the Bill was then put and agreed to.

Clause 26.

Mr. SPEAKER: I think, these are purely consequential amendments.

Rai HARENDRA NATH CHOUDHURY: Have not Government any changes to propose, therefore?

Dr. NALINAKSHA SANYAL: Some consequential changes have surely to be proposed, but we are not having any yet from the Hon'ble the Revenue Minister.

The question that clause 26 stands part of the Bill was then put and agreed to.

Clause 27.

Mr. SPEAKER: There is no amendment under clause 27 of the Bill, so I will put it forthwith.

The question that clause 27 stands part of the Bill was then put and agreed to.

Clause 28.

Mr. SPEAKER: Clause 28 refers to section 146A of the Act, which deals with joint and several liability for rent of co-sharer tenants in a tenure or holding. Amendment No. 1378-1384 is purely consequential.

Rai HARENDRA NATH CHOUDHURY: Yes, Sir.

So, I take it that the amendments are not going to be moved.

(No member rose to move the amendment.)

The question that clause 28 stands part of the Bill was put and agreed to.

Clause 29.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY: I, too, have an amendment, No. 1385A, saying that clause 29 be omitted.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY: I, too, have an amendment, No. 1385A, saying that clause 29 be omitted.

Mr. SPEAKER: We are in clause 29, let the Kumar Sahib finish his speech and then you can move your amendment.

Kumar SHIB SHEKHARESWAR ROY: Sir, we have to pay revenue to Government at the end of every three months. So, is it not an anomaly, Sir, that we should be debarred from realizing rents by rent-suits at the end of three months from our tenants? Will the Government be agreeable, on the analogy of the Minister's statement regarding interest yesterday, to accept revenue from us at the end of every twelve months instead of at the end of three months?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government may have to consider that point, Sir. (Kumar SHIB SHEKHARESWAR ROY: Thank you, Sir.) It is very difficult for me to give any definite assurance at this stage, but I may assure the Kumar Sahib that Government want to be fair to everybody.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha: Sir, I beg to move that clause 29 be omitted.

This clause, Sir, gives the power to the tenants to withhold payment of their rents, and is dilatory in character. On that ground, Sir, alone I am objecting to it. If Government want to grant this power to the tenants, it is only fair that they should give similar powers to the landlords not to pay revenue before 12 months have elapsed.

Mr. NISHITHA NATH KUNDU: Sir, I beg to move that in clause 29(*1*)(*a*) for the word "twelve" the word "eleven" be substituted.

In moving this amendment, Sir, I beg to submit that the Government amendment proposes to confer two benefits. One is that the tenants will be saved from the harassment of suits instituted by landlords every three months, and the second benefit that is intended to be given to them is that in these times of economic depression landlords may sue for a portion of arrear rent only. If clause 29(*1*)(*a*) is retained, *i.e.*, if the word "twelve" be substituted for the word "three", then the maximum benefit that is intended to be given will not be available to them. Suppose, in the year 1345 B.S. on the 1st of *Baisakh* a landlord who intends to sue for arrear of rent for one year, viz., for the year 1341. If he sues only for the year 1341 his claim for the arrear rent of 1342 will be barred by limitation by the 2nd of *Baisakh*, 1346; because he cannot sue before the 2nd *Baisakh*, 1346, as 12 months after 1st of *Baisakh*, 1345, do not elapse before the 2nd of *Baisakh*, 1346. So the landlord will be compelled to sue for two years. Of course by this amendment the tenants will have to bear the burden of extra cost; for example, if the landlord sues for 4 years together a tenant has to pay Re. 1 as *vakalatnama* but if the claim be split up into 4 the tenant will have to pay Rs. 4 for *vakalatnamas* in 4 suits.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: To cut short the discussion, may I say at this stage that Government are prepared to accept this amendment.

Mr. SPEAKER: That is all right.

Mr. NISHITHA NATH KUNDU to move that in clause 29(*1*)(*a*) for the word "twelve" the word "eleven" be substituted.

The motion of Mr. Nishitha Nath Kundu was put and agreed to.

The motion of Maharaja Sashi Kanta Acharyya Choudhury for the deletion of clause 29 was put and lost.

The motion of Kumar Shib Shekhareswar Roy for the deletion of clause 29(*1*)(*a*) was put and lost.

The motion that clause 29 as amended stands part of the Bill was then put and agreed to.

Clause 30.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: May I suggest that consideration of clause 30 be also postponed to-day.

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: I submit, Sir, that my amendments Nos. 1396 and 1426 be taken together as No. 1326 is consequestial.

Mr. SPEAKER: Yes.

Clause 31.

Mr. DHIRENDRA NATH DATTA: I beg to move that for clause 31 the following shall be substituted, namely:—

"31. Section 153 of the said Act shall be repealed."

In moving this amendment I beg to place certain facts before the House. Section 153 lays down: "An appeal shall not lie from any decree or order passed, whether in the first instance or on appeal, in any suit instituted by a landlord for the recovery of rent where—

(*a*) the decree or order is passed by a District Judge, Additional Judge or Subordinate Judge, and the amount claimed in the suit does not exceed one hundred rupees, or

(*b*) the decree or order is passed by any other judicial officer specially empowered by the Local Government to exercise final jurisdiction under this section, and the amount claimed in the suit does not exceed fifty rupees;

unless in either case the decree or order has decided a question relating to title to land or to some interest in land as between parties."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I take an objection? The proposal in the amendment of the hon'ble member is to repeal section 153. My amendment is a very formal amendment. The appointment is really made by the High Court with the formal approval of the Local Government. Just to do away with that formality, Government with the concurrence of the High Court is moving this amendment. The hon'ble member's amendment is outside the scope of the Bill.

Mr. J. W. CHIPPENDALE: On a point of order, Sir. In section 153 there is no such thing as "Provincial Government." The words are "Local Government".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think since the introduction of Provincial Autonomy "Local Government" means "Provincial Government".

Mr. SPEAKER: I think this contention is very strong.

Mr. DHIRENDRA NATH DATTA: Sir, I agree with you.

Mr. RASIK LAL BISWAS: Power has been given to the High Court by the Local Government. But here it is proposed to give power to the High Court so long exercised by the Local Government. So it should not be treated as a mere formal matter.

Mr. SPEAKER: Do you want to do away with the power of appeal? That will be the effect of your amendment.

Mr. DHIRENDRA NATH DATTA: I beg leave to withdraw my amendment.

The motion was then by leave of the House withdrawn.

Mr. SPEAKER: The question before the House is that clause 31 stands part of the Bill.

The motion was put and agreed to.

Clause 32.

Babu JATINDRA NATH BASU: I beg to move that clause 32 be omitted.

By the Act of 1928 a procedure was introduced by which landlords were placed in a position to realise their rents with promptness and with regularity. As the landlords have to pay revenue to Government, the tenants in their turn have to pay rent to the landlords. In an agricultural country like Bengal, Government has to rely to a very large extent on the revenue derived from land and legislation should provide that that revenue is duly secured to Government. Under the system prevailing in Bengal, the realisation from the actual tillers of the soil and from the small farmers has to be done by the landlords with whom Government settled the land. It is unnecessary to go into the question as to why Government entered into a settlement with the landlords in 1793 in the way it was done. History shows why that

settlement was arrived at. It was not only in 1793 but hundreds of years before that whoever reigned in Bengal found it necessary to settle lands with the landlords so that there might be certainty in the realisation of revenue for Government whoever constituted that Government. When the Dewani was taken over by the East India Company in 1765, great difficulty was experienced in the matter of collection of revenue. There was a devastating famine in 1769 which decimated nearly a third of the population of Bengal. In Bengal we have inundations, we have rivers cutting away cultivated land and various other calamities of a big dimensions which do not ordinarily happen in other parts of India. It was therefore necessary for the State from almost the commencement of history of Bengal to have something like a buffer to stand the State for the time being in good stead, and land was accordingly settled with landlords even under the Pathans and Moguls and afterwards by the English. Chapter XIIIA that was introduced in the Bengal Tenancy Act under the Act of 1928 sought to introduce a method by which there would be expeditious and punctual realisation of dues from the tenants. Complaints were made, in many cases justifiably, that landlords have to wait for over 3 years before they could institute any suits in civil courts, and they had to proceed with protracted rent litigation at considerable expense before they succeeded in realising the rents from the tenants with which they were to pay the State. The State had protected itself by establishing a procedure against the landlords that in the event of default on the part of landlords in the punctual payment of any instalment of the revenue his holding would be sold up immediately; no time was to be allowed and no mercy was to be shown and that the holding was to fall under the hammer in the event of there being a default. On the other hand, so far as the rent due from the tenant to the landlord is concerned the Act of 1885 provides for recourse to the civil courts. Now with the congestion of work in the civil courts, the procedure of realisation of the landlords' dues takes an amount of time which practically means loss to the landlords and the expense of a civil action falls on the landlord without in many cases the chance of realising the costs. So it was thought just and fair that as the State was inflexibly hard on the landlord, the landlord should be given some relief in the matter of realisation of the rent payable to him by his tenants. Sir, Chapter XIIIA provides that the local Government might on the application of the landlord, if for his land a record-of-right has been prepared, allow the landlord to have the advantage of the application of the procedure for the realisation of his dues provided by the Bengal Public Demands Recovery Act. But Chapter XIIIA of the Bengal Tenancy Act provides that the Local Government should not only merely allow the landlord to have recourse to the procedure under the Public Demands Recovery Act but that the local Government shall specify the terms and conditions on which such application should be allowed. The terms and conditions under which a landlord was to be given the right of expeditious

realisation of his dues was to be hedged in by condition which the local Government was given the power and authority to lay down. The local Government could, in every case in which it considered necessary, protect the tenants lay down conditions which would make an inequitable application of the certificate procedure impossible, and thus ensure that there should be no hardship on the tenants. The conditions would be for those who had to be protected and Government could lay down conditions to protect the tenants; for instance, if there are inundations or if there is drought, or if there is a failure of crops, Government may say that in those cases it may issue an order or direction withdrawing for the time being the application of the certificate procedure in the areas affected. In that way the tenants may be sufficiently protected, but if times are normal, if crops are normal and there is a no-rent campaign and the tenant withholds payment, why should not the landlord be given facilities for the realisation of his rent instead of waiting for years and spending a large sum of money on realisation of small amounts from a large number of tenants. Sir, if it is protection of the tenants that is really intended, that protection can be afforded by providing against the application of the certificate procedure in cases of public calamity or of failure of crops. The conditions which the Government is authorised to lay down under Chapter XIIIA may provide for such a contingency. Sir, it may be unpleasant for people to make a payment, but unfortunately the whole of the world is so constituted that one has to pay to another and that one has to pay to another again, and so on the cycle goes round. We cannot contemplate a condition of things under which everybody will be absolved from every payment and will have all his needs supplied to him. (Mr. M. SHAMSUDDIN AHMED: The State will provide.) Mr. Shamsuddin says the State will provide everything but some body must provide the State with the sinews of war to enable the State to provide for everything. This country, as I pointed out at the commencement, is mainly an agricultural country where the mainstay of the resources of the State is agriculture and if agricultural income is entirely to be stopped in the way that it is intended landlords will be liable to have their zemindaries sold up for non-payment of revenue even if there is one second's default. If the tenant is allowed to acquire the habit of not paying his rent by quarterly instalments and to let the arrears against him accumulate for year when almost at the end of the 4th year the landlord institutes a suit against him otherwise the claim would be barred. The tenant files a defence and keeps the landlord running about the law courts for another 7 or 8 months. That is the actual fact and we must face facts in the face and it is no use closing our eyes to what actually happens. If we want justice to be done let justice be done all round. Sir, is it a crime to expect the Government to ask the landlord to pay? Is it a crime for the landlord to expect the tenant to pay? Sir, if the instalments or *kists* should not be made payable by the quarter, and that some other instalments

should be fixed, by all means let Government consider the question and see that the payments are so regulated that there is no hardship on the tenant. But we cannot contemplate a state of things at least in this province when the tenant will be absolved altogether from paying anything for the land he enjoys. Sir, if that is the fact then pleasant or unpleasant the duty has to be performed. As the landlord has to perform his duty to the State so the tenant has to perform his duty to the landlord about payment of his rent. If rent is paid regularly no question arises. Chapter XIIIA only seeks to take action against those that are defaulters. Sir, no doubt as I have said in hard times defaulters do deserve sympathy and the State may protect the defaulters against zemindars, who are very hard, by imposing conditions, while investing the zemindars with power to apply the certificate procedure, by providing that the Government may stop the application of that procedure should there be occasion to do so.

I, therefore, submit that it will cause great hardship not only to the zemindars but it might cause difficulties to the State if the law relating to the collection of rent is not so laid down as to facilitate the punctual and regular payment of rent by those by whom they are payable. So, I propose that clause 32 be deleted.

Mr. C. MILLAR: Mr. Speaker, Sir, I will not detain the House for long, but I am really at a loss to understand the reason for this agitation against the certificate procedure. There may have been cases of injudicious use of that power, but I am inclined to think that in this matter the House is following a slogan, rather than thinking the question out on its merits; and unless this House can have second thoughts it is a poor outlook for legislation in this province.

This proposal appears to go upon the principle that debts are things not to be discharged. Well, Sir, that is a theory with which all of us on occasions must have some sympathy. But we in this House must maintain the sanctity of contract, otherwise the fabric of society will fall to pieces. We must make quite sure that in considering the rights of citizens we equally see that our citizens observe their obligations. And in this particular question Government has a special duty. The revenues of this province depends largely upon the payment of rent by tenants to landlords, in order that the landlords may be able to discharge their revenue obligations; and only the other day in this House we saw the almost comical spectacle of the perturbation of the Ministry when a private Bill was brought forward proposing to deal with them in the same way as they now propose to deal with landlords. Mr. Speaker, Sir, we cannot have it both ways.

Now, this procedure is only granted under stringent conditions. A landlord who uses it must maintain at his own cost an accurate

record-of-rights, and the procedure is enforced only when there is no material dispute as to the facts. Sir, that is a matter of very great importance for the tenant, because the costs have to be paid by the debtor and the certificate procedure is a simpler, and a very much cheaper, process.

This procedure is perhaps of greater value as a deterrent. It is not in the interest and it would not be the wish of any one in this House to do anything which would make it easier for the tenant to get further into debt. Debt is the curse of this province, and any measure which we can bring forward which makes it easier for the tenant to remain in debt is very very far from being in the interests of the tenant. I trust that this House will listen to these arguments and prove that it has the capacity to think again.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, I am rising to ask for information on two points from the Hon'ble Revenue Minister in the belief that it will be extremely relevant to the present discussion. What is the percentage of the zemindars who enjoy the benefit of the certificate procedure?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very small, altogether 236 zemindars in Bengal enjoy the benefit of the certificate procedure, out of 2,500 to 3,000 revenue-paying zemindars.

Rai HARENDRA NATH CHAUDHURI: You mean those who have votes for the landholders' constituency?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The advantage of the certificate procedure is enjoyed only by the big landlords and their number is therefore confined only to those who have the right to vote in the landholders' constituency.

Mr. SARAT CHANDRA BOSE: Sir, my next question to the Revenue Minister is: Whether the benefit of the certificate procedure is only extended to those zemindars who are considered by the Government to be loyal to them? In other words, Sir, can the Revenue Minister give us an instance where a nationalist-minded zemindar has ever been given the benefit of the certificate procedure?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I wish to cite the instance of my honourable friend's colleague and compatriot, Mr. Dhirendra Kanta Lahiri Choudhuri, M.L.A., who enjoys this benefit and who is also a nationalist-minded zemindar of the type my honourable friend is thinking.

Mr. SARAT CHANDRA BOSE: Sir, may I tell the Revenue Minister that Mr. Dhirendra Kanta Lahiri Choudhuri has never been a member of the Congress, and I may also state that he thinks that the difficulty in the way of his signing the Congress pledge is that he enjoys the benefits of the certificate procedure. This is what he stated to me last year in Simla when the Hon'ble the Chief Minister was there.

The Hon'ble Mr. A. K. FAZLUL HUQ: Quite right.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I may give my friend another name—Mr. Ranajit Pal Chowdhuri, a Congress member in the Upper House.

Mr. SANTOSH KUMAR BASU: Sir, with regard to the proposal in the Government Bill for the abolition of the certificate procedure, I find that there is no provision for the repeal or amendment of section 195(*b*) of the Act which provides that the certificate procedure will be retained in connection with Government Khas Mahals estates and also with regard to estates managed by the Court of Wards. As the Revenue Minister was pleased to announce yesterday in answer to a question put by Mr. Jatindra Nath Basu that the Government proposed to bring the rate of interest in other spheres into line with the rate of interest proposed in the present Bengal Tenancy Amendment Bill, may this House expect the Hon'ble Revenue Minister to give an assurance to this House that section 195(*b*) will be repealed or amended in order to bring it into line with the proposed section in regard to the realisation of rents in Government Khas Mahals and also in estates which are administered by the Court of Wards. I find, Sir, that section 195 has not been touched in the proposed Bill except with regard to sub-clause (*e*) of that section which lays down "Nothing in this Act shall affect any enactment relating to patni-tenures, etc..."; but the procedure for the realisation of rents in estates under the management of the Court of Wards or Revenue authorities has been left absolutely intact. So I really do not understand the policy which underlies the Government proposal—whether it is intended to repeal the provisions of the certificate procedure only in so far as they apply to the estates of private landlords, who have not come under the protecting wings of the Government. So far as the other zemindars who have had the good fortune of their estates being administered by the Court of Wards and the Government's own estates, namely, the Khas Mahal areas are concerned, would the certificate procedure be retained? I submit, Sir, it would be helpful to the House for the purpose of giving a decision with regard to this proposal to know what is the intention of Government with regard to section 195(*b*).

Khan Bahadur JALALUDDIN AHMAD: Sir, I come from a constituency where the Government is the biggest landlord. So far as application of the certificate procedure is concerned, my district, Chittagong, contains the largest Khas Mahal area which I think is the biggest of all Government Khas Mahal areas in the province, and I think Government derives over Rs. 8 lakhs of revenue from the Khas Mahal estates there. The Khas Mahal tenants in the Cox's Bazar subdivision have been crying in the wilderness owing to the direct and indirect oppression caused by the certificate procedure, by which many persons have been reduced to penury. The question is not whether the debtors should discharge their debts, as my esteemed friend of the European Group has said, but the question is if the agency through which this certificate procedure is applied is welcome. As regards the realisation of rents, there are two ways how rents can be recovered, viz., one through the civil court and the other through the certificate procedure which is administered by the Collector, the Subdivisional Officer or other executive officers. The difference lies in the fact that the procedure of the civil court is more popular and the certificate procedure through the Collectorate and the Revenue authorities is unwelcome. I would suggest to the Revenue Minister that he might keep a strict watch over the work of the certificate Officers or Revenue authorities in the Khas Mahal areas who are more eager to realise the rents in order to gain promotion than in considering anything regarding the condition of the tenants, that is, whether they are hardly hit or not. That is the reason why I think the certificate procedure is unwelcome. I have great sympathy with my friends of the European Group that it seems to be a one-sided proposal that the certificate procedure should be retained for Government Khas Mahals and the certificate power of the landlords will be abolished. In Chittagong there are a large number of small landlords who are also raiyats and there the oppression on the part of the rich and influential tenants upon the poor middle-class landlords who are also raiyats sometimes is more than the oppression of the landlords except in some few cases of big landlords. So the position is quite different there. And there after great consideration many of the petty estates have been given the protection of the certificate procedure, as many estates have been sold away for non-realisation of rents from the tenants. As we all know, a civil court suit hangs on for three or four years and the House ought to know that the decree-holder's difficulty begins after the decree is made. So my appeal to the Revenue Minister is that he should be consistent in the matter of abolition of the certificate procedure. I think, however, that it would not be fully reasonable to ask Government to go to civil court for the realisation of rent. But there is one way out of the difficulty. Some munsiffs or judicial officers be empowered under the certificate procedure to realise rents and get the decrees executed

through the agency of the civil court. (A VOICE: That won't do.) I think it would be unreasonable for this House to ask the Government to bring a civil suit as an ordinary private landlord; it would be difficult (A VOICE: Why?); because it would take a long time. Sometimes 50 per cent. of the arrears remains unrealised. That is the practical difficulty which I have found myself in the management of some properties. For that reason I only suggest that, judicial officers should be vested with powers under the certificate procedure and the decrees should be executed through the civil court nazir and not through the Collectorate Nizarat as the executive Certificate Officers and their underlings are unwelcome to the tenants. In spite of my sympathy with my friends of the European Group who want to retain Chapter XIIIA, I would just like the Hon'ble Revenue Minister to give us an assurance that he would see that the hardships entailed by the certificate procedure are mitigated to some extent when exercised by the Khas Mahal Officers. The issue of certificate for arrears of less than a year and a half should be stopped.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I confess that I am in general agreement with the arguments that have been advanced by my esteemed friends, Mr. J. N. Basu and Mr. Curtis Millar, regarding the justification of allowing sufficient facilities to landlords for realisation of rent in view of the fact that they have got their obligations to Government with regard to the payment of revenue. (Mr. SURENDRA MOHAN MAITRA: Is that the view of the Coalition Party?) You need not get impatient.

As regards the special facilities of landlords for realisation of rent, there is a very interesting history and one has to go back as early as 1859 to find out what was the landlords' right under the Act before 1859. Before 1859 there was the law of *Saptam* and *Ashtam*, which gave the landlords the right of imprisoning tenants for default in payment of rent. That law was considered rather severe and barbarous and it was rightly done away with in the Rent Act of 1859. (A VOICE: Distraint.) In the Act of 1859 distraint was introduced and it was also retained in the Act of 1885. The provision for distraint continued till it was done away with in the amending Act of 1928 and as a *quid pro quo* Chapter 13A was introduced. Before 1928 also Government had the discretion under the Bengal Tenancy Act of investing selected landlords with the powers of certificate procedure for realisation of rents. So far as I remember, speaking from memory, this power was introduced by the amending Act of 1913. Even in 1885 the Secretary of State, in his despatch on the Bengal Tenancy Act, said that he was not quite satisfied with the procedure of rent realisation and wanted some speedier method to be introduced. But, fortunately or unfortunately, there was not much change and things went on according to the provisions of the Act of 1885. For a

variety of reasons, however, many landlords began to feel that realisation of rent was growing difficult and in the Act of 1928 distraint was done away with by way of compensation; the discretionary power of Government with regard to the granting of powers of certificate procedure was taken away and it was made "shall' in place of "may", that is, subject to certain terms and conditions. Government shall grant permission to every landlord who applies for powers of the certificate procedure in areas where settlement operations were completed. In practice that is done.

So far I am aware whenever a landlord applied for powers under section 158A and fulfilled the terms and conditions he was given powers under Chapter 13A. There is no denying the fact that we are taking away a very important privilege and a very important facility granted to him regarding rent collection under the Bengal Tenancy Act. Time alone will show what the repercussions of the present amendment are going to be. I can, however, assure the House that Government will carefully watch the developments and I do not think it is necessary to state anything further at this stage.

With regard to the realisation of rent in Khas Mahal areas and in the estates under the Court of Wards with the help of the Public Demands Recovery Act, my friend, Mr. Basu, wants an assurance from me as to whether Government are prepared to repeal the provisions in the Public Demands Recovery Act or not. The matter is under the consideration of Government, and I am not in a position to state what the policy of Government is going to be on that point, but they desire to be consistent and they will certainly consider this question in all its aspects.

With regard to the point raised by Khan Bahadur Jalaluddin Ahamed, viz., that in the Khas Mahals in Chittagong oppressions are committed by some of the Certificate Officers not only on tenants but also on petty landlords, I shall take a note of that point and I can give him this assurance that Government will see that no such oppression is committed henceforth. It must be a thing of the past (A VOICE: What about Bakarganj and other places?) I say not only in the Khas Mahals in Chittagong but all over Bengal there shall be no oppression.

With reference to the point mentioned by the leader of the opposition as to whether powers under certificate procedure were granted to landlords who were nationalist-minded, I think I have given two instances at least where powers were granted to zemindars who are in his fold. So Government make no distinction whatsoever in granting the privileges when they are satisfied that landlords have fulfilled the terms and conditions as laid down in the Act. I think I should repeat that Government do not propose to encourage tenants

to get into arrears. Nothing should be done that would add to the burden of their debt. Government must see that landlords get adequate facilities for collection of rent and thereby prevent tenants from getting into further arrears. Without certain facilities for rent collection the landlord will find it extremely difficult to meet their obligations and if Government propose to realise their revenue regularly and smoothly, proper facilities will have to be granted to landlords for collection of rent. If the ordinary rent suit serves the purpose, well and good; if not, some other means will have to be devised. With these few words I oppose the amendment.

The motion was put and lost.

Clause 32.

The question that clause 32 stands part of the Bill was then put and agreed to.

Clause 33.

Babu NAGENDRA NATH SEN moved that after clause 33 (*2*) the following be inserted, namely:—

"(3) in proviso (*i*) to sub-section (*3*) the words 'subject to the provisions of section 67 relating to interest payable on arrears of rent' shall be added."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Is it not out of order?

Babu NAGENDRA NATH SEN: I submit it is not. I want you to look into the matter from the point of view of the Statement of Objects and Reasons. If reducing the rate of interest from 12½ to 6¼ per cent. is within the scope of the Bill, I think if section 67 is amended——.

Mr. SPEAKER: Does this amendment arise out of reduction of rent? You want a certain section to be considered subject to certain reduction, but I have given my fullest consideration to it and I am of opinion that it is out of order.

The question that clause 33 stands part of the Bill was put and agreed to.

Clause 34.

The question that clause 34 stands part of the Bill was put and agreed to.

Mr. SPEAKER: Clause 34A will be taken up later.

Clause 35.

The question that clause 35 stands part of the Bill was put and agreed to.

Clause 36.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that for sub-clause (*1*) of clause 36 the following be substituted, namely:—

"(*1*) in clause (*3*)—

(*a*) the words 'or the landlord's transfer fee', and

(*b*) the word 'and'

shall be omitted."

This is purely a consequential amendment.

I also beg to move that in sub-clause (*3*) [sub-clause (*c*) of clause (*5*) of section 189 of the Act] for the words, figures and brackets "sub-sections (*1*), (*2*) and (*3*)" the words, figures and brackets "sub-sections (*1*) (*2*), (*3*) and (*3a*)" be substituted.

The above two motions were put and agreed to.

Clause 36 was kept pending, because the deletion of the word "85B" has not yet been considered.

Clause 37.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg to move that clause 37 be omitted.

Sir, *patani* law does not come under Bengal Tenancy Act. So, there is no necessity of mutilating the existing provision in the Act.

Mr. SPEAKER: Amendment No. 1520 is not in order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that for sub-clause (*i*) of new clause 37(*e*) of section 195 the following be substituted, namely:—

(*i*) the provisions of section 67 and of clause (*i*) of sub-section (*1*) of section 178 shall apply to all patni-tenures, and".

I move this amendment just to make the meaning clear. I have got nothing further to say.

The amendment of the Hon'ble Sir Bijoy Prasad Singh Roy was put and agreed to.

Rai Bahadur JOGESH CHANDRA SEN to move that clause 37 be omitted.

The amendment of Rai Bahadur Jogesh Chandra Sen was put and lost.

Clause 37.

The question that clause 37, as amended, stands part of the Bill was then put and agreed to.

Mr. SPEAKER: This disposes of all the clauses excepting the six clauses that we have left out for the present, as well as the putting up of clause 36 before the House later on.

I will now adjourn the House till 3-00 p.m. on Monday next.

Adjournment.

The House was then adjourned till 3 p.m. on Monday, the 27th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 27th September, 1937, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Election of the Bhogdanga Union Board, Rangpur.

*285. **Kazi EMDADUL HAQUE:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the election of the Bhogdanga Union Board in police-station Kurigram, district Rangpur, was held in July last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) who were the contesting candidates in the different wards;

(*ii*) how many votes did each of them secure; and

(*iii*) whether it is a fact that the candidates for nomination to the said board submitted their applications for nomination supported by the recommendations of at least two respectable gentlemen as desired by the local officers?

(*c*) If the answer to (*b*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) who, if any, among the defeated candidates, have applied for nomination;

(*ii*) whether it is a fact that the six newly elected members jointly recommended for nomination three specified candidates who received also the recommendations of other respectable gentlemen; and

(*iii*) whether it is a fact that Babu Dina Nath Ghosh, a sitting member of the board, is one of the applicants for nomination?

(*d*) If the answer to (*c*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the said Babu Dina Nath Ghosh was an unsuccessful candidate for presidentship of the outgoing board;

(*ii*) whether it is a fact that no meeting of the union board for a period of one year was held by the outgoing board;

(*iii*) that the first meeting was held only when the attention of the authorities was drawn to this matter and the then Subdivisional Officer intervened at the instance of the Chairman of the District Board; and

(*iv*) whether it is a fact that the sitting President of the outgoing board submitted a report to the local officers regarding the views of at least five elected members against Dina Nath Babu's nomination?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) Yes.

(*b*) (*i*) and (*ii*) A statement is laid on the Library table.

(*iii*) Yes.

(*c*) (*i*) Syed Abul Afzal and Maulvi Alimuddin Ahamad.

(*ii*) and (*iii*) Yes.

(*d*) (*i*) Yes.

(*ii*) No.

(*iii*) Scheduled castes,

(*iv*) The sitting president of the outgoing board submitted a report against Dina Nath Babu's nomination, but there is no special mention in his report regarding the views of the elected members.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether in the interest of good administration of the union board Government consider the desirability of giving nominations to the three candidates who were recommended by the entire body of the elected members?

The Hon'ble Maulvi SYED NAUSHER ALI: It may not be at all in the interest of the administration of the union board to nominate the very persons who have been recommended by the elected members.

Fixing the ratio of the scheduled castes in the Co-operative Department.

*286. **Babu KSHETRA NATH SINCHA:** (*a*) Will the Hon'bl Minister in charge of the Co-operative Credit and Rural Indebtednes Department be pleased to lay on the table a statement showing th number of—

(*i*) Muhammadans,

(*ii*) Hindus, excluding scheduled castes, and

(*iii*) Scheduled castes,

amongst the present total number of (1) inspectors, and (2) auditors

(*b*) With reference to the reply given on the 31st August, 1937, t (*vi*) of unstarred question No. 58, will the Hon'ble Minister be please to state—

(*i*) when the ratio for the scheduled castes will be fixed and pub lished for general information; and

(*ii*) what steps are proposed to be taken to make up the deficiency of the Scheduled castes in the services?

(*c*) Are the Government considering the desirability of classifying Scheduled castes separately in future according to the recent announce ment of the Hon'ble Home Minister in this House?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) The hon'ble member is referred to the answer given to starred question No. 18 on the 5th August, 1937, and also to the answer given to unstarred question No. 58 on the 31st August, 1937, at this session of the Legislative Assembly.

(*b*) and (*c*) These questions are still under consideration.

Mr. MONMOHAN DAS: With reference to answers (*a*) and (*c*), will the Hon'ble Minister kindly say whether the Government will consider the ratio for the different communities before the appointments are made in the Co-operative Department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The ratio of the different communities for these appointments will be decided before the appointments are made.

Damodar flood.

*287. **Mr. ADWAITA KUMAR MAJI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware of the Damodar flood of this year and its consequent havoc to the people of the flooded area?

(*b*) Is he aware of the fact that this flood is a regular yearly occurrence in Burdwan?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have taken or contemplated to take to stop this kind of disaster to which the people of Burdwan are victimised year after year?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) The floods this year have been moderate.

(*b*) Yes, in the trans-Damodar spill area.

(*c*) An investigation is being made into the possibilities of a speedy disposal of the spill water.

Improvement of Dankuni canal.

*288. **Mr. SUKUMAR DUTTA:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the Dankuni canal in the Serampore subdivision is not functioning properly in the portion between the Raghunathpur bridge and Bonder *Bil* lock-gate;

(*ii*) that it urgently needs re-excavation;

(*iii*) that the Baidyabati lock-gate of the above canal is out of order for a long time; and

(*iv*) that the unrestricted influx of water through the Baidyabati end is causing considerable damage to the fields on either side of the canal?

(*b*) Is the Hon'ble Minister considering the desirability of—

(*i*) enquiring into the present condition of the canal;

(*ii*) enquiring into the cause of delay in repairing the Baidyabati lock-gate; and

(*iii*) taking up the improvement of the Dankuni canal?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) The Dankuni *Khal* from Raghunathpur bridge to Bonder *Bi* sluice is functioning fairly well, silt clearance having been done in 1934-35 at the cost of Rs. 2,203.

(*ii*) Silt clearance is not necessary at present.

(*iii*) One of the outer lock-gates was damaged. The repairs were completed on the 6th July last.

(*iv*) The flow is fully under control by the sluice.

(*b*) Does not arise.

Re-excavation of the river Bhairab, Murshidabad.

***289. Maulvi ABDUL BARI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that as a result of the silting up of the Bhairab the trade and commerce in the interior of the district of Murshidabad has come to a standstill?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that the drying up of the river is one of the causes of the spread of malaria?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to take steps for the re-excavation and flushing of the Bhairab at its mouth and such other important places as Bhagbangola and Doulatabad?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) The present condition of the Bhairab river in the Murshidabad district is better than it has been for a considerable number of years and it is tending to improve still further.

(*b*) The river is not drying up.

(*c*) Steps are being taken to keep the Akriganj off-takes open for as long as possible by training works in the *post*-flood season.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether this improved condition of the river Bhairab is due to the natural course of the river or due to any work undertaken by Government?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: To a great extent due to natural causes.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the river Bhairab down Bhagbangola and Daulatabad remains dried up for 9 months in the year?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have no information on the point but it may be so.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state if anything has been done by the department to ascertain the causes which led to the drying up of the river and the natural causes which will improve the situation?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: There may be various causes for the decay of a river. I am afraid I am not in a position to give an answer off-hand to that.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to ask the department to ascertain the causes?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I believe they always do so.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to say whether this drying up of the river in the Murshidabad is responsible for the silting up of the river in the lower courses of the districts of Khulna and Jessore?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It may be but that is for the experts to say.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether it is not a fact that the condition of the river is growing worse every year?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: That is not the report of my department.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what he means by "training works" in answer (*c*)?

Mr. SPEAKER: It is apparently a printing mistake: it must be "draining."

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the Bijoy and Ghuznavi Cuts have anything to do with the condition of the river Bhairab?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not think this arises out of this question.

Wakf estates.

***290. Maulvi ABDUL WAHED:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the annual receipts of the *wakf* estates enrolled under the Bengal Wakf Act, 1934;

(*ii*) the expenditure incurred for the purpose of enrolment under section 2 of the Act;

(*iii*) the expenditure incurred by the Board of Wakfs, for the period up to 30th June, 1937; and

(*iv*) the names of officers of the Board of Wakfs with their designations, their duties and functions, and the salaries paid to them?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*i*) Rs. 57,15,584.

(*ii*) Rs. 15,140.

(*iii*) Rs. 88,203.

(*iv*) It is assumed that by officers are meant the superior controlling staff of the rank equivalent to that of gazetted officers under Government. If so, there are—

(*i*) one Commissioner on a salary of Rs. 2,000 a month—(Khan Bahadur Mohammad Abdul Momin, C.I.E.);

(*ii*) one Assistant Commissioner, Khan Saheb Kazi Mohammad Sadrul Ola, on a salary of Rs. 375 a month and a special pay of Rs. 75 per mensem.

Their duties and functions are laid down in the Bengal Wakf Act.

Mr. ABDULLA-AL-MAHMOOD: Will the Hon'ble Minister be pleased to state the number of wakf estates in the year 1937?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state whether there are superintendents of wakf estates also at present in several districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of it.

Improvement of passenger shed at Chinirbandar

***291. Maulvi ABDUL JABBAR:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that—

(*i*) the passenger shed at Chinirbandar railway station on the Eastern Bengal Railway is not walled up on the eastern side;

(*ii*) the passengers get no protection from the sun, the rain and the wind; and

(*iii*) the drainage of the latrine and urinal attached to the female waiting room, runs towards the passenger shed?

(*b*) Is the Hon'ble Minister considering the desirability of urging upon the Railway authorities concerned to effect improvement of the passenger shed at Chinirbandar and to divert the course of the drainage referred to?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) Yes.

(*ii*) The waiting hall measuring $23' \times 20'$ affords adequate protection from the elements under ordinary circumstances.

(*iii*) Yes.

(*b*) These questions are under the consideration of the Railway authorities.

Establishment of School Boards.

***292. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the approximate amount of money that is annually collected on account of school fees from students in recognised primary schools including muktabs in the province;

(*ii*) the total number of teachers employed in such schools;

(*iii*) the number of districts in which School Boards have been established in accordance with the provisions of the Rural Primary Education Act; and

(*iv*) whether it is the intention of Government to have such boards established in all the districts?

(*b*) If the answer to clause (*a*)(*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, does the Government intend to take in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Rs. 22,51,433 in 1936-37.

(*ii*) Rs. 92,256 in 1936-37.

(*iii*) 12.

(*a*) (*iv*) and (*b*) It is intended that District School Boards should be established in those districts where there are no such boards, as soon as circumstances permit and there is indication of popular demand for it.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state what is meant by "circumstances" when it is stated that board will be established as soon as circumstances permit?

The Hon'ble Mr. A. K. FAZLUL HUQ: First of all I have already mentioned that the primary condition is the indication of popular demand. Secondly, that it does not clash with the experiments that we are carrying on without the establishment of a school board; and thirdly, that it does not go beyond the scope of Primary Education Act. In two places, Bogra and the subdivision of Serajganj in Pabna these experiments are being carried on.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state what is meant by "circumstances permit."

Mr. SPEAKER: That question has been answered.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether the demand of the district board concerned will be considered an indication of popular demand?

The Hon'ble Mr. A. K. FAZLUL HUQ: Ordinarily so, unless there is any counter agitation, in which case the matter will have to be looked into.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that some district boards, in which the school boards have been established, are not functioning properly or have nothing to function unless the Primary Education Act is given effect to?

The Hon'ble Mr. A. K. FAZLUL HUQ: The answer is in the affirmative.

Mr. ABDULLA-AL-MAHMOOD: Is the Hon'ble Minister aware that the Pabna School Board has accepted the Primary Education Act but it has not been given effect to?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Pabna School Board has applied for the introduction of the Primary Education Act.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state if besides Mymensingh and Pabna any other district boards have applied for imposition of the cess?

The Hon'ble Mr. A. K. FAZLUL HUQ: Nearly all the 12 districts have applied.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the district school board as at present constituted is purely a wastage of public money so long as the Primary Education Act is not given effect to?

Mr. SPEAKER: That is a matter of opinion.

Henria Sivaprosad Institution, Midnapore.

***293. Mr. NIKUNJA BEHARI MAITI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the date of the last inspection of the Henria Sivaprosad Institution, Midnapore, by Mr. M. O. Carter, the former District Magistrate of Midnapore?

(*b*) Will the Hon'ble Minister be pleased to lay on the table an extract from his inspection remarks regarding the alleged participation of the school authorities in the last Bengal Legislative Assembly election in support of the Congress candidate there?

(*c*) Will the Hon'ble Minister be pleased to state whether it is the policy of the Government that the persons connected with private institutions should not take part in the Bengal Legislative Assembly election?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to issue a circular to that effect?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to get the remarks of the District Magistrate regarding that particular point expunged from the inspection notes?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) March 5, 1937.

(*b*) A copy of the inspection report is laid on the Library table.

(*c*) It is undesirable that schoolboys and teachers should take an active part in such matters.

(*d*) and (*e*) Government do not propose to take any action in the matter.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*c*), that "it is undesirable that schoolboys and teachers should take an active part in such matters," will the Hon'ble Minister be pleased to state whether it is not a fact that the schoolboys of the Patuakhali subdivision took active part in support of Mr. A. K. Fazlul Huq, and Mr. Fazlul Huq never said that it was undesirable for them to do it?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of that fact.

Dr. NALINAKSHA SANYAL: With reference to the statement laid on the Library Table may I draw the attention of the Hon'ble Chief Minister to this passage and ask him whether the present Government stand by the statement contained therein, namely, the Magistrate's report "My principal quarrel with the school, is that several of the staff and a number of boys openly canvassed for the congress candidates during the recent election. This fact will permanently debar the school from any form of Government assistance as far as I am concerned. I shall also have to consider whether the approval of the Committee and some of the staff will have to be revised." Will the Hon'ble Minister be pleased to state whether the present Government stand by this opinion of the District Magistrate?

The Hon'ble Mr. A. K. FAZLUL HUQ: We are not bound by the opinion of the District Magistrate. We have got our own policy.

Dr. NALINAKSHA SANYAL: May I know what is that policy, whether to stand by the opinion of the District Magistrate or to repudiate it?

The Hon'ble Mr. A. K. FAZLUL HUQ: Our policy is that of non-interference with the free flow of activities in elections.

Dr. NALINAKSHA SANYAL: In view of this non-interference policy, will the Government be prepared to advise that instructions for withdrawal of the Government grant to the school be now rescinded?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware, Sir, if that grant has been interference with. I will look into the matter.

Subdivisional Officer, Krishnagar.

*294. **Dr. NALINAKSHA SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Home (Appointment) Department aware that—

(*i*) the Sadar Subdivisional Officer, Krishnagar, had caused insulting letters to be written to a member of the Muragacha High English School Committee, of which the said Subdivisional Officer happens to be the President by virtue of his office, in reply to the member's enquiry regarding the circumstances under which the boys of the school were made to offer salutes to soldiers on route march in the month of February last;

(*ii*) the said Subdivisional Officer very recently insulted a near relation of the member of the Legislative Council representing Presidency Division General Constituency and the matter had to be settled at the intervention of the District Magistrate;

(*iii*) the said Subdivisional Officer used unseemly language to the member of the Legislative Assembly representing Presidency Division Municipal General Constituency during the General elections and when the matter was brought to the notice of the District Magistrate, the Subdivisional Officer was given a mild rebuke; and

(*iv*) the said Subdivisional Officer goes about in his car with a rod in his hand and abuses and assaults persons who, in his opinion, cause any obstruction to the movement of his car?

(*b*) If the answers to (*a*) are in the affirmative, what steps Government propose to ensure courteous behaviour on the part of e said officer to members of the public?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) No.

(*b*) Does not arise.

Dr. NALINAKSHA SANYAL: Before I put the supplementary uestion may I, Sir, ask your ruling whether the "No" in answer (*a*),

applies to the knowledge of the Hon'ble Minister or it refers to circumstances referred to in (*a*)(*i*), (*ii*), (*iii*) and (*iv*) because if it is a matter of knowledge only I submit that it is merely a matter of form to put a question to Government?

Mr. SPEAKER: You can test by putting supplementary questions

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that there is a school called the Muragacha High English School in the district of Nadia which receive Government grant of which the Sadar Subdivisional Officer is the President and in which school on or about the 8th February last the students of the school were made to stand before the soldiers on march and were asked to salute them?

Mr. SPEAKER: Dr. Sanyal, if I remember aright this supplementary question on Muragacha school was put and a reply was given.

Dr. NALINAKSHA SANYAL: Is the Hon'ble M[illegible] a member of the School Committee, namely Mr. Narendra Nath Pathak an Advocate of the Calcutta High Court, who wrote a letter to the Subdivisional Officer, the President, and subsequently to his enquiry from the Secretary of the school got a reply from the office of the Subdivisional Officer stating that this member should stop such frivolous questions.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think it will shorten the supplementary question of Dr. Sanyal if I were to answer in the affirmative the first point that he raised that I know all about the incident, and "No" refers to the Subdivisional Officer's causing insulting letters to be writen to a member of the Muragacha High English School Committee and also to his insulting a near relation of the member of the Legislative Council representing the Presidency Division (General) Constituency.

Dr. NALINAKSHA SANYAL: With regard to the first one I take it that the Hon'ble Minister is amending the answer and says that he is aware of the incident.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not amending at all. "No" refers to the fact that no insulting letters were written.

Dr. NALINAKSHA SANYAL: May I enquire whether the Hon'ble Minister would take it as an insulting letter written to him if he were asked by a member of the committee to stop such frivolous enquiries?

The Hon'ble Khwaja Sir NAZIMUDDIN: I doubt if the word "frivolous" was used.

Dr. NALINAKSHA SANYAL: With reference to the second question that the Subdivisional Officer insulted a near relation of the member of the Legislative Council representing the Presidency Division (General) Constituency, may I enquire if the Hon'ble Minister is aware that a criminal case was actually sought to be instituted against the Subdivisional Officer and that it was only at the instance of the District Magistrate that the case was not instituted.

The Hon'ble Khwaja Sir NAZIMUDDIN: My information is the other way about. The Subdivisional Officer was accused and he was going to institute a case and it was at the District Magistrate's intervention that stopped the case to be instituted.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the *sari* of a lady who was going to the house of the hon'ble member concerned—I am not naming this gentleman, purposely—was splashed with mud and water by the car of this Subdivisional Officer and the Subdivisional Officer got down and insulted the lady and her husband to which the husband gave a proper reply?

Mr. SPEAKER: I am sorry, Dr. Sanyal, you are utilising supplementary questions for ventilating a fact which has nothing to do with the question itself. Your allegation is that a case was instituted. The facts of the case are not before us. All we are concerned with is the conduct of the particular officer and surely we have not got the time to discuss the details

Dr. NALINAKSHA SANYAL: If the answer was not in the negative there would have been no necessity for details. I submit, Sir, that through these details I am refreshing the memory of the Hon'ble Minister if he had any occasion to go through the facts. I beg to submit that the member concerned is my humble self and it is my personal knowledge that this Subdivisional Officer tried to use insulting language against me in the open court to which he got certain proper replies from me and the District Magistrate was reported to.

Mr. SPEAKER: That question does not arise. It may be within the special cognisance of yourself and not of the Hon'ble Minister. I

am quite prepared to allow questions to elicit information regardin the conduct of the Subdivisional Officer, the subject matter of th criginal question, but if you enter into too much details, that goe beyond limit.

Dr. NALINAKSHA SANYAL: My submission is this. You hav ruled, Sir, that we must be very specific with regard to allegation: If my allegations are vague you will rule me out and now, Sir, if yo rule that these are details I am helpless—I seek your protection, Sir

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir I just like this matter to be cleared up. The hon'ble member has sug day the object of supplementary questions is to ascertain facts, and nc carry on an argument or to cross-examining a member, and as far a the facts are concerned I have categorically stated that those are nc correct. The hon'ble member is now trying to prove that what he ha stated is correct.

Mr. SPEAKER: Dr. Sanyal, I will draw your attention to rule 3 and if the Hon'ble Minister denies the allegation you can ask for infor mation for the purpose of further elucidating any matter of fact regard ing which an answer has been given. My ruling so far as this i concerned is that if you want to elicit information in a supplementar question it must be strictly relevant to the answer which has been given I hope you will not misunderstand me. I am not debarring you fro putting in any supplementary question but the supplementary questio is for the purpose of getting further information arising.

Dr. NALINAKSHA SANYAL: That is exactly what I am doing

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir I just like this matter to be cleared up. The hon'ble member has sug gested that there was a case going to be instituted and I have state clearly that the facts were otherwise. Then he goes into details whic are matters for argument. I have already stated the facts as they hav come in my possession.

Dr. NALINAKSHA SANYAL: With regard to answer (*iv*), ma I enquire if it is within the knowledge of the Hon'ble Minister tha this Subdivisional Officer goes about actually with a rod in his hand I have seen this myself.

Mr. SPEAKER: I am sorry, Dr. Sanyal, you are bringing in you personal knowledge. You can put supplementary questions on th answer which has been given.

Dr. NALINAKSHA SANYAL: The answer "No" has been given and it is actually happening.

Mr. SPEAKER: Your knowing personally does not arise out of the answer.

Dr. NALINAKSHA SANYAL: May I ask the Hon'ble Minister whether he is aware of an incident which happened two months back in the bazar of Krishnagar town where two young boys were actually whipped by this Subdivisional Officer.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Dr. NALINAKSHA SANYAL: May I enquire about the incident on the football ground?

Mr. SPEAKER: I am sorry, the football ground incident is a matter which is not in the answer.

Mr. ATUL KRISHNA GHOSE: Sir, it is your ruling that supplementary questions should be relevant to the replies given by the Hon'ble Minister, but how can we put supplementary questions in cases where the reply is "no".

Mr. SPEAKER: I cannot do anything better than saying that I am not altogether debarring you from putting anything concerning the facts but when you enter into details regarding a particular affair then it goes beyond the object of putting supplementary questions.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is still the policy of the present Government to ask students to offer salute to soldiers when they march on.

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is prepared to make enquiries into these allegations either personally or through independent officers of his department in the Secretariat here?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am satisfied that there is no case for enquiry and that the allegations are not correct.

Dr. NALINAKSHA SANYAL: If I say on the floor of this House that each one of what I said is absolutely correct and the information of the Hon'ble Minister is absolutely incorrect will the Hon'ble Minister make an enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: First of all it is a request for action and I have already said that we cannot have any argument on this question.

Police force in Chittagong headquarters.

***295. Khan Sahib Maulana AHMED ALI ENAYETPURI, Mr. ASIMUDDIN AHMED and Maulana MD. MANIRUZZAMAN ISLAMABADI:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to place on the table a statement showing, year by year, from the period from 1933 to 1935 and separately—

(*i*) the number of Hindu and Muslim inspectors, sub-inspectors, assistant sub-inspectors, District Intelligence Branch watchers, clerks and head constables in the Chittagong headquarters in the Police Office, Reserve Force, District Intelligence Branch, Kotwali, Double Moorings police-stations, Port Police, Town Police, Chitforce and Court Office;

(*ii*) the promotions, both permanent and officiating, of Hindu and Muslim officers in the Chittagong district from the ranks of sub-inspectors, assistant sub-inspectors and literate constables; and

(*iii*) the punishments, major and minor, awarded to Hindu and Muslim officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information asked for is not readily available, and its collection would entail so much time and labour that Government regret that they are unable to undertake the task.

Mr. ATUL KRISHNA GHOSE: In view of the reply in the negative, if the whole answer is not readily available, will the Hon'ble Minister be pleased to state whether the present Government intends to do away with the system of spies or at least reduce the number of them?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the ratio of Hindu and Muhammadan officers in view of our anxiety——.

Mr. SPEAKER: That question does not arise. I am not concerned with your anxiety.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I rise on a point of order? It is: whether we are entitled to know the ratio of Hindu and Muhammadan officers in the Chittagong district in order to ascertain the position of Muhammadans in the Government service there. The answer given by the Hon'ble Minister in charge is that Government are unable to undertake the task of preparing the list. In view of our anxiety to know the proportion of Muhammadans and Hindus serving in Chittagong, is it too much, Sir, for the Government to give us the information required in the question?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I just point out that the information asked for is not with reference to the position of Moslem officers at the present time but it refers to events that took place some time ago or what the position was in 1933 and 1935?

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what was the exact number of the Intelligence Branch watchers at that time?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the member to my reply.

Mr. J. N. Gupta: Will the Hon'ble Minister be pleased to state whether it is a fact that the Government have to maintain statistics of all their employees of different communities with a view to fill up vacancies according to the communal strength?

Mr. SPEAKER: This question does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether he is prepared to enquire into the allegations regarding the dismissal of——.

Mr. SPEAKER: This question does not arise.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state definitely the time it took in the Secretariat to answer this question—whether it was a fortnight or a month?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot answer it o hand as I have got to look through the file.

Dr. NALINAKSHA SANYAL: May I rise on a point of orde Before the Hon'ble Minister replies to this question, I rise to enqui whether it is permissible for the department under the Hon'ble Minist to pick and choose amongst the questions that are sent to the depa ment from your department and to choose to reply to some and not others in time or within the time. I sent in certain questions on t 4th of September and they are still unreplied. I find that some sho notice starred questions have been replied. We are therefore suspicio as to how things are managed by the department.

Mr. SPEAKER: I take it that it is ordinarily the duty of Gover ment to answer all the questions admitted by me. But how they a selected is a matter entirely for the Secretariat. There are circu stances which might necessitate a delay in getting an answer probab to one portion of a question, while the answer to the other porti might be ready. So far as the matter of priority is concerned, I ca not say anything in this matter.

SHORT-NOTICE QUESTIONS.

Bengal Co-operative Organisation Society, Limited, Calcutta.

***295A. Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minist in charge of the Department of Co-operative Credit and Rural Indebte ness be pleased to state—

(*i*) the object and functions of the Bengal Co-operative Organis tion Society, Limited, Calcutta;

(*ii*) the names of the office-bearers of the said society since it inception; and

(*iii*) how is that society financed and how its funds are utilised?

(*b*) Is the Hon'ble Minister aware that considerable dissatisfactio has been experienced by its constituent members regarding the un satisfactory state of things inside that society?

(*c*) If so, what steps have been taken and are proposed to be take by the department to improve matters?

(*d*) How many Co-operative Societies have been organised by tha society since its inception?

(*e*) Is the Organisation of the Co-operative Societies the real scop of that society; if not, why is that society so named?

(*f*) What amounts of money are granted to this society from year to year by the Government?

(*g*) Is it a fact that the assistant editor of the journals published by the society, who is a full-time professor of the City College, is a relative of the Secretary and cannot give sufficient time and attention for the improvement of the journals?

(*h*) What are his emoluments and how long has he been in the service of the society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) The main objects of the society are to promote the co-operative movement in Bengal and to serve as a centre of co-operative activities in the province. The society is to carry on propaganda and publicity work; organise and develop diverse types of co-operative societies; secure a regular and efficient system of supervision over all registered societies; organise training classes for co-operative workers; act as an information bureau on the subject of co-operation; promote the study of the co-operative movement and ascertain and represent the views of co-operators on questions of general and public importance relating to the movement.

(*ii*)

	President.	Vice-President.	Hony. Secretary.
1926 to 1929	Mr. J. M. Mitra ..	(1) Sir P. C. Roy ..	Mr. S. K. Lahiri.
		(2) Dr. A. Suhrawardy.	
1930	Mr. S. K. Ganguly	(1) Rai Bahadur Nagendra-Nath Mukherji.	Mr. S. K. Lahari.
		(2) Khan Bahadur Maulvi Md. Ibrahim.	
1931 to 1936	Dr. P. N. Banarji	(1) Rai Bahadur Nagendra Nath Mukharji.	Mr. S. K. Lahiri.
		(2) Khan Bahadur Maulvi Md. Ibrahim.	

(*iii*) The major portion of the society's income is to come from subscriptions, and also a grant is given by Government. Members' subscriptions, levied according to the rules, should bring an annual income of approximately Rs. 30,000, but during the last four years the actual collection of subscriptions has been respectively Rs. 7,609, Rs. 10,710, Rs. 7,083 and Rs. 4,699.

(*b*) Yes.

(*c*) The department has taken steps to improve the management by refusing permission to time-barred Directors.

(*d*) No Co-operative Society except the Bengal Co-operative Insurance Society has been organised by this society.

(*e*) Organisation of Co-operative Societies is one of the functions of this society.

(*f*)

	Rs.
1925-26 to 1929-30	9,980 (annually)
1930-31	8,980
1931-32	8,980
1932-33	7,980
1933-34	7,000
1934-35	6,500
1935-36	6,500
1936-37	6,500

(*g*) The assistant editor of the journals is a relative of Mr. S. K Lahiri and was a professor of the City College until recently, and wa not in a position to devote sufficient time to bring about the desire improvement of the journals.

(*h*) He is reported to have been in the service of the society sinc July 1927 on a pay of Rs. 100 per mensem.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister b pleased to state the nature of supervision which Government exercis over the Co-operative Organisation Society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I mus ask for notice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that during the last few years every year the Annual Conference of the Bengal Co-operative Organisation Society reported to the Government that it was due to Government interference by acts of omission as well as commission the society could not function properly, and they requested the Government to refrain from such interference in future?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of this.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that so far as the collection of subscription of this society goes, the former practice was that the Registrar used to help in the collection through his own men which he discontinued and as a result thereof collections have fallen off?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I might explain the position. It was the duty of the society to raise their own subscriptions; as they failed to do so, they sent a request to the Registrar and he was good enough to get the departmental officers to help in realising the subscriptions from other numbers; they did so as long as they were requested.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that many of the important functions stated under his reply (*i*) have been directly taken over by the Registrar under his own supervision, e.g., co-operative training, etc., and the society could not properly function because of that direct interference?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The answer is in the negative.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware of the fact that several Central Banks have refused to pay their contribution to the Co-operative Organisation Society owing to the inactivity or the uselessness of the society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is my information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to his answer (*b*), what steps have been taken to remove the dissatisfaction?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is difficult for me to answer this question, as it is a non-official body.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that Mr. S. K. Lahiri has again been elected and his election has been questioned?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, that is so.

Mr. SIBNATH BANERJEE: With reference to answer (*c*), will the Hon'ble Minister be pleased to state what steps, if any, have been taken by the Hon'ble Minister to improve the management of the Co-operative Organisation Society as he assured us on the floor of this House when he asked for the grant for this department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If I remember aright, I said in reply to the debate that I would ask my friend Mr. Sibnath Banerjee and some of the other members who are interested in this movement to meet at a conference, but my friends know how very much occupied we have been these days and it has not been possible to do it. I have still that matter in my mind and I hope to do it sometime soon.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the removal of the time-barred Directors is in his opinion the principal step that Government should take to improve the working of the society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is certainly one of the steps.

Mr. SIBNATH BANERJEE: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether any discrimination has been made regarding the refusal of permission to time-barred Directors to stand for election?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of it.

Maulvi ABDUL LATIF BISWAS: With reference to (*b*), will the Hon'ble Minister be pleased to state whether any enquiries were made to the inner working of the society with a view to find out the causes of the dissatisfaction?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It was pressed by the members at various meetings.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what exactly is the relationship between this ex-professor of the City College and the Secretary of the Co-operative Organisation Society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The professor is the nephew of Mr. Lahiri.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to explain the term "nephew", for in Bengali it is a perversive term and it may mean relationship of a very wide and distant nature?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware there are numerous professors of colleges and the University of Calcutta who are attached to journals even daily journals, in the editorial staff, and they are carrying on successfully their work?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It may be so.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether this society has got any connection with the Bengal Co-operative Anti-malarial Society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Recruitment of Auditors of the Co-operative Department.

281. Maulvi AHMED ALI MRIDHA: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing for each district since 1933, year by year, the number of auditors appointed from amongst—

(*i*) supervisors attached to central banks; and

(*ii*) outsiders?

(*b*) Will the Hon'ble Minister be pleased to state whether for the recruitment of auditors which is to take place shortly the principle of giving preference to such districts as failed to secure their due share of representation, will be followed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) A statement is placed on the Library table.

(*b*) The matter is under consideration but no undertaking can be given as in cases of promotion, merit and efficiency are taken as matters of prime consideration.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether the final appointment of the Auditors and Inspectors will depend upon his own discretion or of the department concerned?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I answered a large number of questions on this subject and I hope I made it clear to the House that these appointments will be made on the results of an examination which will be held after the candidates have undergone a training after they have been interviewed by the Selection Board.

Appointment of candidates over 25 years of age in the Co-operative Credit and Rural Indebtedness Department.

282. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) whether candidates over 25 years of age have been appointed in the Co-operative Credit and Rural Indebtedness Department; and

(*ii*) whether it is a fact that such candidates are eligible to pension by working for a comparatively shorter period than the ordinary candidates?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of not appointing candidates over 25 years of age in future?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) Yes, for special reasons.

(*ii*) No. An officer entering service after 25 years of age gets less pension than one who enters earlier.

(*b*) Does not arise.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state the special reasons on which these appointments will be made?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The special reasons amongst others are efficiency and good work in the Co-operative Department in the interior of the province.

Mr. NISITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the candidates over 25 years of age who are appointed were already in Government service or outsiders?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Inspectors and Auditors of the Co-operative Department.

283. Maulvi WALIUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of the appointments made in the last 5 years (1) as inspectors, and (2) as auditors, district by district; and

(*ii*) whether he is aware of any departmental circular or a resolution of a Co-operative Conference that preference will be given to the dependants of the persons connected with the departments as shareholders of central and rural societies?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the said circular or the said resolution was followed; and

(*ii*) whether the said circular or the said resolution was brought to the notice of the officers who were referred to for the nomination of the candidates for the new appointments?

(*c*) Is it a fact that 80 per cent. of the people connected with the department as shareholders of central and rural societies are Muslims?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state what is the percentage?

(*e*) Do the Government contemplate the desirability of giving appointment on the basis of that percentage?

(*f*) Is it a fact that no appointment as inspector or as auditor has been given to any Muslim of the Jessore district?

(*g*) If the answer to (*f*) is in the affirmative, is the Government considering the desirability of giving appointments so that the deficiency in appointments of Muslims of Jessore and other districts may be made up?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) A statement is placed on the Library table.

(*ii*) No.

(*b*) Does not arise.

(*c*) Yes, approximately, as far as available figures show.

(*d*) Does not arise.

(*e*) The question of communal ratio in these appointments is now under consideration.

(*f*) Yes.

(*g*) No guarantee as is asked can be given. But the whole question is under consideration.

Preservation of the historic ruins of Mahmudpur and Raigram in Jessore.

284. Mr. ATUL KRISHNA GHOSE: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware—

(*i*) of the historic importance of the Jora-Bungalow of Raigram, in the district of Jessore, that was erected by Menahati, the commander of Raja Sitaram; and

(*ii*) of the present condition of the palace, temple and big tanks of Mahmudpur, in the district of Jessore, which are associated with the memory of Raja Sitaram?

(*b*) Are the Government considering the desirability of taking steps for preservation of the historic ruins of Mahmudpur and Raigram in Jessore?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The buildings and tanks, which are reported to be in ruins, are associated with the name of Raja Sitaram.

(*b*) No. This is a matter for the Central and not the Provincial Government.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister kindly give us an assurance that he will draw the attention of the Central Government so that they can take necessary steps?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the proper course is to move the authorities of the Government of India.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister consider the desirability of moving the Government of India to take over these things under the Ancient Monuments Preservation Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. ATUL KRISHNA GHOSE: Am I to understand that the Provincial Government has nothing to do in all these things?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Scheme of irrigating the Kachi Kata Khal in the Monorhadi thana.

285. Mr. S. A. SALIM: (*a*) Will the Hon'ble Minister in charge of the Communication and Works (Irrigation) Department be pleased to state—

(*i*) whether it is a fact that administrative sanction was given to the scheme of irrigating the Kachi Kata *Khal* in the Monorhadi thana of the Narainganj subdivision; and

(*ii*) whether it is a fact that the then District Magistrate did not agree to the scheme?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, what is the reason for the disagreement?

(*c*) Is the Hon'ble Minister aware that this year the water rushed to the outlying area and damaged the standing crop?

(*d*) Does the Hon'ble Minister contemplate giving effect to the scheme and thereby redressing the long felt grievance of the locality?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) Yes.

(*ii*) A petition was received from a large number of local people protesting against the scheme. The Collector agreed with the petitioners and recommended the abandonment of the scheme.

(*b*) It was stated in the petition that the channel from Kachi Kata *Khal* to the old Lakma river had silted up completely and that its re-excavation would involve the demolition of homesteads and graveyards.

(*c*) Yes.

(*d*) No.

Mr. S. A. SALIM: With reference to answers (*c*) and (*e*), will the Hon'ble Minister be pleased to state the reasons why the Government are not giving effect to the scheme?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: My reply is contained in (*b*).

Mr. S. A. SALIM: Is the Hon'ble Minister aware that the Subdivisional Officer got the people of the locality to sign a petition protesting against the scheme?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am not aware of any such scheme.

Muslim clerks in the various departments of the Medical College.

286. Haji Maulvi TOFEL AHMED CHOUDHURY: (*a*) Will th Hon'ble Minister in charge of the Public Health and Local Self Government Department be pleased to lay on the table a statemen showing for the various departments of the Medical College includin the School of Tropical Medicine—

(*i*) the total number of officers and clerks; and

(*ii*) the number of Muslim, Hindu and Christian officers and clerks

(*b*) Is it a fact that the number of Muslims is far below the minimun standard?

(*c*) If the answer to (*b*) is in the affirmative, what steps, if any, d the Government intend taking in the matter?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) A statement is lai on the table.

(*b*) As regards officers, no percentage is prescribed except for thos who belong to the Bengal Medical Service. So far as these latte officers are concerned, their percentage is fixed on the total strength o the cadre and not by institutions.

As regards clerks in the Medical College, the answer is in the affirmative.

(*c*) The deficit of the Muslim proportion in the clerical service will be made up in the course of time as vacancies occur.

Statement referred to in the reply to clause (a) of unstarred question No. 286.

	Medical College, Calcutta.		School of Tropical Medicine, Calcutta.	
	Number of officers.	Number of clerks.	Number of officers.	Number of clerks.
Muslims ..	4	4	Nil	4
Hindus ..	36	16	18	6
Christians ..	6	Nil	3	1
Total ..	46	20	21	11

GOVERNMENT BILL.

Bengal Tenancy (Amendment) Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: With reference to the points mentioned by you on Saturday last as to whether some of the amendments seeking to make realisation of abwab a penal offence, I venture to think that they are decidedly outside the scope of the Bill. The Bill only proposes to insert section 58 of the existing Act in connection with the realisation of abwabs. Section 58 only contemplates a civil remedy and it is not a penal clause in my opinion. Besides the points mentioned by you, I venture to mention a few more. I would draw your attention to clause 58(*7*) where it is mentioned that any fine imposed or compensation awarded under this section has to be realised as a civil demand under the Public Demands Recovery Act. I also venture to draw your attention to the use of the words Civil Procedure Code in sub-clause (*8*). It does not contemplate the procedure under the Criminal Procedure Code but only under the Civil Procedure Code. I also draw your attention to sub-clause (*5*) where the compensation that may be awarded by the Collector for frivolous complaints by any raiyat is purely a civil remedy. If it were a criminal offence, then it was not necessary to mention compensation and to provide for a special provision here in this Act and the matter could have been left to the provisions of section 211 of the Indian Penal Code. On these grounds I think that these amendments are definitely outside the scope of the Bill.

Mr. DHIRENDRA NATH DATTA: I submit that the amendment is in order because in clause 18 a new section 74A is sought to be inserted imposing penalty upon landlords who realise any imposition declared under section 74, sub-section (*1*), to be illegal. In the matter of enquiry as to how the penalty is to be imposed, it is said that the procedure that has been adopted under section 73 and section 58(*3*) to (*8*) will follow. I must admit that the enquiry necessitated by sub-sections (*3*) to (*8*) is of a civil nature. It is clear from sub-sections (*7*) and (*8*) that for the purpose of an enquiry under this section the Collector shall have power to summon and enforce the attendance of witnesses and compel the production of documents in the same manner as provided in the Civil Procedure Code, 1908, but here the amendment proposes that the penalty is sought to be imposed upon landlords who realise abwabs under section 74(*1*) of the Bengal Tenancy Act. But the case is that though the penalty sought to be imposed will be of a criminal nature, whoever being a landlord or his agent exacts from a tenant any imposition declared under section 74(*1*) to be illegal shall be punished with simple imprisonment

and the provision of the Criminal Procedure Code shall apply to pro ceedings under this section. Of course, it will be of a crimina nature no doubt but that will make no difference. The only questio is that there is a differences in procedure in the matter of imposin penalty upon the landlord. The main thing to be considered is th imposition of the penalty. By the new section that is sought to b introduced in the Bengal Tenancy Act it is sought to impose penalty upon the landlord, while the amendment that is sought to b moved to this amendment is also to impose a penalty upon the land lord. By the amending Bill the only procedure to be adopted is o a civil nature but by the amendment that is sought to be moved by u the procedure will be of a criminal nature. It will not make an differences because it will not come within the purview of the Bill Our amendment seeks to impose a penalty.....

Mr. SPEAKER: I think you realise the difference between penalty and a punishment.

Mr. DHIRENDRA NATH DATTA: I do realise the differenc and the amendment to section 74A wants to impose a penalty thoug it is of a criminal nature. There is no difference because under th Government of India Act we have the power to deal with crimina matters and you will find that under the Bengal General Clauses Ac an offence, as defined under sub-section (*3*), shall mean any act o omission made punishable by any law for the time being in force, s under the civil law if an act or omission which can be made punish able by any law for the time being in force is an offence, ther certainly the Criminal Procedure Code must apply, as we find tha the Criminal Procedure Code not only deals with offences under th Penal Code but offences under any other law.

Mr. SPEAKER: Do you realise the difference in language between the Act of 1907 and the present Tenancy Bill? In 1907 the language was "punished with fine" and the present language is "liable to the same penalty".

Mr. DHIRENDRA NATH DATTA: It does not make any differ ence because that shows that the Civil Procedure Code was to apply in "liable to fines". Hence it is not sought to be punished with fine. My submission to you is that there is no difference though it is of a criminal nature. The only question is the imposition of a penalty.

Maulvi TAMIZUDDIN KHAN: The Hon'ble Minister has not referred to any rule or any section of any law in saying that this is out of order. He also does not say that it is not within the competence of this House to provide for a criminal remedy. Therefore the only

question is whether this can come under an amendment. The proposition is that a person who may realise an *abwab* may be liable to fines to be imposed by the Collector. To that our question is whether any member is entitled to suggest or to propose that an alternative punishment should be provided for instead of a civil remedy. What Mr. Datta says may not be quite correct. The Bill proposes that a civil remedy should be applied whereas an amendment like this proposes that a criminal remedy should be applied. That is what an amendment means. If the proposition is to give effect to a certain act, the amendment says that it must have certain other effects of a similar nature. It is punishment all the same—whether it is imposed by the Collector or any other body and whether the legislature will think of imposing one kind of punishment or another comes within the purview of the amendment.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, you yourself raised a point that there is some distinction between liable to fine and punished with fine. May I remind you that in the Indian Penal Code there are many substantive sections in which the only penalty is a fine.

Mr. M. SHAMSUDDIN AHMED: The Hon'ble Minister has said that the amendment proposes that the Criminal Procedure Code may be applied to the collection of illegal *abwabs*. In your ruling which you circulated the other day you said that under Standing Rule 44(*1*) an amendment must be relevant to and within the scope of the question to which it is proposed. The Bill which is limited in its scope or object cannot create any more extensions of rights beyond the provisions and principles of the Bill and the scope of a Bill has to be determined with reference to its preamble and its aims and objects and with due regard to the citations and provisions in the Bill itself.

Sir, in this Bill in item No. 4 of the Statement of Objects and Reasons the member in charge has laid down: "Imposing summary penalty for the exaction of *abwabs*". Now, Sir, "imposing summary penalty"—this is an additional section added to section 74 as section 74A. In it it has been mentioned that whatever be the penalty that was proposed under section 50A of the Bengal Tenancy Act—that will be the penalty according to this section. Supposing summary penalty is imposed, but it does not define that it will be only according to the civil procedure code. If the legislature thinks that the Collector or the Magistrate who imposed a fine to the extent of Rs. 50 in his summary capacity, we lay down here that the criminal law will have cognizance in the case of exactions of illegal *abwabs*. If it is either within the scope of the Objects and Reasons or even without the scope of the Bill, I submit, Sir, it cannot be ruled out.

Mr. SPEAKER: I do not think it is necessary to discuss this matter in any more detail, but I can assure the House that throughout this Bengal Tenancy legislation no other matter has given me a greater amount of worry and anxiety as this clause before I came to the conclusion as to whether these particular amendments are within the scope of the Bill or not. My difficulty is that in a Bill of this nature we should always remember that this Bill is of a restricted character. That it is of a restricted character not only appears from the Preamble but also from the other provisions and from the many pronouncements made by the Hon'ble Minister in charge as well as by different party leaders on the floor of this House. If I were ordinarily merely to look at the Preamble, I should have ruled out many of the amendments which have come before the House. If I am merely to look at the Statement of Objects and Reasons, I should take a similar procedure. But Mr. Shamsuddin Ahmed in drawing my attention to my ruling has forgotten one important proviso to it and that is that it is in consideration of these three things together, viz., the Preamble, the aims and objects, and the citations and provisions, but not taking any one of them in isolation, that amendments within the scope of the Bill should be determined. And I am following the same procedure in that I am not merely taking the Preamble or the aims and objects, or the citations and provisions separately but I am taking all these together. I think I have made it definitely clear that so far as the question of competency is concerned, this House can create an offence and punish it in any way it chooses and likes and the only question, as Maulvi Tamizuddin Khan has pointed out, is as to whether this amendment is within the scope of the Bill. I think that I referred yesterday to a ruling reported in 9 C.W.N. (page 816), in which under the old Act it was considered an offence, and if the present language is compared with the old language then everybody will realize that this change was deliberately made to change a criminal offence into a civil liability, viz., the former language was that he should be punished with a fine which may amount to Rs. 50. An honourable member has pointed to the General Clauses Act. Not only that but to the definition under the Criminal Procedure Code an offence is one which is punishable under any law. This was an offence prior to 1907 and it involved procedure under the provisions of the Criminal Procedure Code before a man could be convicted. That was deliberately changed under section 58. If Government has merely provided that they wanted to inflict a summary penalty, the position would have been different, but, now, I find that they want to provide a summary procedure. My difficulty is that so long as Government wants it to be taken up in a particular manner, I have no other alternative but to feel that all these amendments which provide a criminal remedy are *ultra vires*. I am not considering them as to whether they are ethically right or ethically wrong. That is not my function. As I have said, this House has full powers in proper time and manner to discuss this matter. But I feel that in view of this change of language

and in view of the definite provision that it is intended to impose a summary penalty in regard to the exaction of illegal *abwabs* and in view of the fact that at the moment Government does not want to make it a criminal remedy, you have not only to revise the procedure but the whole structure of the particular provision. I feel that the structure and design of section 58A is such that it only opens up civil remedy but not criminal remedy. It is open to this House by fresh legislation to make it a penal offence if it likes. But so far as the present Bill is concerned, I rule that all these amendments in the nature of a provision for criminal penalty are out of order.

Mr. M. SHAMSUDDIN AHMED: May I know what is the capacity of a Collector even under section 58?

Mr. SPEAKER: Well, I think you know the difference between a Magistrate and a Collector.

Mr. DHIRENDRA NATH DATTA: May I be allowed to move a short-notice amendment with regard to clause 18 after this ruling of yours?

Mr. SPEAKER: Well, if I think it necessary I am quite prepared to allow it, but I think I had better adjourn the House for 20 minutes for prayer at this stage.

The House was then adjourned for 20 minutes.

(After adjournment.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, before you proceed further, may I make a statement regarding the ruling you have just given in connection with the section relating to *abwabs*? I find, Sir, that there is some misunderstanding regarding the attitude of Government in this matter. It was never the intention of Government to shirk its responsibility if the House would decide that the exaction of *abwabs* was to be a penal and cognisable offence. But after you pointed out on Saturday that it was doubtful whether a provision like that could come within the scope of the amending Bill, the Government considered the matter and they thought that although the point was not absolutely clear it was one which was not free from difficulty. I may remind the House that in 1907 the Government of Eastern Bengal and Assam did intend to introduce legislation in order to make the taking of *abwabs* a criminal offence. For some reason or other the proposal was dropped and the idea did not materialise and after that this proposition of making the exaction of *abwabs* a criminal offence did not come up before the legislature. Now, Sir, we have thought that with a view to avoid complications and to be on the safe side, it is better

that the provision for making the exaction of *abwabs* a criminal offence should be made by a separate piece of legislation and it is always open as has been pointed out by you, Sir, to any member of the House whether Government member or private member—to bring in a legislation in order to deal with this matter in any particular way. No question of *ultra vires* can then arise. It is only a question of few months for legislation in that direction to be undertaken instead of taking up a doubtful course which may or may not have been correct; so Government decided that the view that it is not within the scope of the Bill should be upheld, but if you had decided that it was within the scope of the Bill then of course Government would certainly have accepted that decision and voted accordingly.

At the present moment I would request those who seem to be dissatisfied with this ruling to take it as a clear indication on your part and also on the part of Government that this matter can be dealt with by this House by a fresh legislation and we consider that it would be safer of the two mtehods. In view of this I think any misunderstanding on this point by any member of this House will disappear. I have not got anything further to add. I hope members will realise that their decision does in no way encroach upon the privilege of the members of this House to bring forward legislation of a particular character at any time, and this particular decision is certainly within the privilege of every member of this House. It is a question of time, whether it is decided now or three months hence.

Clause 18.

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 18 in proposed section 74A in line 1 for the word "exacts" the word "realises" be substituted.

I think, Sir, that the remedy that the Government Bill proposes to provide for checking this widespread evil of realising *abwabs* by landlords from their tenants will be altogether futile and inadequate for the purpose. *Abwabs* have been prevalent in Bengal from time immemorial and attempts have been made now and then by the Government to put a stop to it. But in spite of their efforts nothing substantial has been achieved so far. You will remember, Sir, only the other day in answer to a question to the Hon'ble Sir Bijoy Prasad Singh Roy he said that in the district of Midnapore *abwabs* were being merrily realised by the landlords from their tenants and nothing effective had yet been done to put a stop to it. I think, Sir, the present proposition of the Government to provide a civil penalty to prevent the realisation of *abwabs* will prove to be absolutely futile—it will be simply tinkering with the problem. Probably the people who are interested and affected by the realisation of *abwabs* will be deceived for some time, but beyond that no practical remedy will be available to the people. But what surprises

me is that even in this rather lukewarm proposal of the Government it is said in the proposed clause that only when a landlord or his agent exacts from his tenants something in the nature of *abwabs* he will be liable to some punishment. Is it at all possible for a poor tenant to prove that *abwabs* have been exacted from him? In the word "exact" there is the sense of some force being used in the matter of realisation of a thing. Therefore it will be absolutely impossible for the tenants to prove that *abwabs* have been exacted from him. On the other hand, I think so far as the realisation of this *abwab* is concerned although no actual force is used, a subtler force is used: when the landlord or his powerful agent says "you must pay this," the tenant in the position in which he is placed has hardly the courage to say "no" to such a demand. Therefore in the eye of law it may not be exacting, but in fact it is really so. So if you put the word "exacts" in this clause the purpose will be altogether frustrated.

Now, Sir, as the amendment regarding providing for criminal offence has been ruled out of order I think we are not at all enamoured of the section that is going to be provided. We are not much interested even if this clause if also withdrawn by the Hon'ble Minister in charge of the Bill but the proposal which I am now placing before the House to substitute the word "exacts" by the word "realises" I think will be easily acceptable to the House. With these few words, Sir, I place my amendment.

Mr. SPEAKER: I am afraid, Mr. Biswas, your amendment is beyond scope.

Mr. RASIK LAL BISWAS: Sir, I have got another short notice amendment which I have submitted to the office along with the amendments. I have got several amendments in that list as you declare them out of the scope I intend to move this amendment.

Mr. SPEAKER: I am afraid your amendment has come too late. You sent it on the 27th and it was received in office at 1-53 p.m. You can very well understand that even if I had got one day's time I would have considered it.

Mr. RASIK LAL BISWAS: We were not quite sure of your ruling regarding our amendment in the printed list. Your ruling came to us like a thunderbolt and I appeal to you to allow us some latitude.

Mr. SPEAKER: I am afraid, I cannot do it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have not yet got a copy of the amendment.

Mr. SPEAKER: I quite appreciate but let me understand wha Mr. Biswas has got to say. Mr. Biswas, what is the purpose of you amendment.

Mr. RASIK LAL BISWAS: The purpose of my amendment is t provide for a greater penalty.

Mr. SPEAKER: For the purpose of that there is section 64A.

Mr. RASIK LAL BISWAS: That is for refusal to receive rent Here I have taken some clauses from section 58.

Mr. SPEAKER: It is quite open to this House to increase th amount under an amendment like that.

Mr. RASIK LAL BISWAS: And the purpose of my amendmen also is that cognisance may be taken by any revenue officer not belo the rank of a Deputy Collector.

Mr. SPEAKER: I am sorry I cannot accept it at this late stage If it is a verbal or minor one I would have considered it.

Mr. RASIK LAL BISWAS: Will you kindly allow me to explain I want that for section 74A the following shall be substituted:—

"If a landlord or his agent realises from a tenant any impositio declared under sub-section (*1*) of section 74 to be illegal such landlor or agent, as the case may be, shall be liable to pay a fine not exceedin Rs. 200 and not below Rs. 100 to be imposed after enquiry by a revenu officer not below the rank of a Deputy Collector. The revenue office may hold an enquiry under sub-section (*1*) either on information receive from a subordinate revenue officer or a President of a Union Board o a member of a Local Board or District Board or of a legislature or upo a complaint by the party aggrieved, made within six months from th date of realisation and the provisions of sub-sections (*4*) to (*8*) of th said section relating to enquiry, appeal, fine, compensation and proce dure shall, *mutatis mutandis* and so far as may be apply to proceeding under this section."

Mr. SPEAKER: I quite feel that your amendment is in orde and if there was time for it I would certainly have permitted it. Bu I find that your amendment was not given on Saturday last. It wa received in this office at 1-53 p.m. You did not know what my deci sion would be at 1-53. You ought to have done it on Saturday and I am afraid that at this stage it is impossible for me to accept it as a short notice amendment and there will be many objections. To allow

a short notice amendment would be permitting a procedure which is not warranted by any principle unless I get sufficient notice to consider it.

Mr. RASIK LAL BISWAS: Will you kindly take the opinion of the House?

Mr. SPEAKER: Yes, I can do that but if there is a substantive objection to it I will not allow it.

May I know if anybody has any objection.

Kumar SHIB SHEKHARESWAR ROY: Yes, Sir, I have objection.

Mr. TULSI CHANDRA GOSWAMI: I strongly object because I have not got a copy of the amendment.

Mr. SPEAKER: Mr. Biswas, I am afraid you cannot move your amendment.

Babu JATINDRA NATH BASU: Sir, I beg to move that in clause 18 in proposed section 74A in lines 6 to 11 for the words beginning with "the same penalty" and ending with "proceedings under this section" the following be substituted, namely:—

"A compensation not exceeding rupees fifty to be imposed after a regular suit in the civil court."

The amendment seeks to provide that the word "compensation" should be used in respect of what is to be imposed on a landlord who realises from a tenant an imposition to which the landlord is not entitled. I merely say that instead of the amount being realised according to the provisions of section 58 as a penalty, it should be realised as compensation the amount not exceeding Rs. 50, which is to be realised after a regular suit in a civil court.

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. This amendment is not in order because a similar provision is to be found in the Act itself in section 75 that a regular suit can be instituted in the civil court for the realisation of compensation and the amount may be Rs. 200. The section reads as follows: "Every tenant from whom, except under any special enactment for the time being in force, any sum of money or any portion of the produce of his land is exacted by his landlord in excess of the rent or road cess or public works cess or interest lawfully payable, may subject to the second proviso to section 74(2) within six months from the date of the exaction, institute a suit to recover from the landlord, in addition to the amount or value

of what is so exacted, such sum by way of penalty as the court thinks fit, not exceeding two hundred rupees, or when double the amount or value of what is so exacted exceeds two hundred rupees, not exceeding double that amount or value." So there is provision in the Act itself for the institution of a regular suit for compensation amounting to Rs. 200 and here the hon'ble member moves that a regular suit is to be instituted for compensation not exceeding Rs. 50 which contravenes section 75. So my submission is that it is not in order

Babu JATINDRA NATH BASU: Sir, this clause refers to section 74(*1*) where there is reference to all impositions under the denomination of *abwab*, *mahat* or other like appellations. In spite of the provisions of section 74 (*1*) there was section 75. Therefore when those sections were framed it was considered that separate provisions were necessary, otherwise there would not have been one kind of provision in section 74 and another kind in section 75.

Mr. DHIRENDRA NATH DATTA: Section 74 deals merely with an enquiry to be held by the Collector and section 75 deals with a suit and my friend wants to cause a suit to be instituted.

Mr. SURENDRA NATH BISWAS: Section 74A which is now proposed to be incorporated deals with the penalty for such illegal exactions and section 75 deals with compensation which the party is entitled to. So these two sections are quite different.

Mr. SPEAKER: Mr. Basu, will a proceeding as you have suggested in this section bar a proceeding under section 75?

Babu JATINDRA NATH BASU: It will not: you have an independent right of action.

Mr. DHIRENDRA NATH DATTA: It will be a bar because for the same cause of action there cannot be two suits. Under section 75 a suit can be instituted to recover compensation amounting to Rs. 200 and under section 74A as proposed by my friend a suit can be instituted for compensation not exceeding Rs. 50 to be imposed after a regular suit in the civil court.

Maulvi TAMIZUDDIN KHAN: This would have been in order only if section 75 was also amended in a certain way.

Mr. SPEAKER: I cannot go to the length of saying that so far as the object of Mr. Basu's amendment is concerned it is beyond scope but I can feel it has been so clumsily drafted using the language and

word which have been used in sections 75 and 58 that there will be a sort of multiplicity of action by the tenant in case this section is amended. I do not say it is out of order but the difficulty is that you have added the word "compensation" whereas the word compensation carries a quite distinct and definite sense of action under section 75 which is exactly the same remedy as provided in section 58.

Babu JATINDRA NATH BASU: May I point out to you, Sir, that section 74 refers to certain kinds of impositions.

Mr. SPEAKER: I quite agree. I do not say that it is out of order. What you intended is in order but what you have given is in conflict.

Babu JATINDRA NATH BASU: For instance a landlord in suing a tenant for arrears of rent may simply claim interest or he may claim damages.

Mr. SPEAKER: I cannot say your amendment is out of order but I will warn the House that in case this amendment is carried it will open a multiplicity of action on the part of the tenant. I would advise you not to press your amendment.

Mr. M. SHAMSUDDIN AHMED: May I draw your attention to section 58 of the Bengal Tenancy Act which lays down that for any infringement of the right of collection impositions will be made by the Collector after summary enquiry. Therefore it cannot be said that a tenant will have to go to the civil court.

Mr. SPEAKER: Do you agree wih me, Mr. Basu.

Babu JATINDRA NATH BASU: Under the Bengal Tenancy Act if any landlord receives in addition to the rent anything either in cash or kind, such as a single maund of paddy, the tenant is entitled to institute a suit.

Mr. SPEAKER: I do not deny that.

Babu JATINDRA NATH BASU: As regards giving compensation for an *abwab*, it refers to such instances, namely, that if there is a wedding in the zamindar's family and the zamindar exacts a toll of Re. 1 per tenant towards the marriage expenses then the tenant can sue the zemindar.

Mr. SPEAKER: Do you want to press your amendment, Mr. Basu? In view of the language you have used in drafting the amendment, I find that it is distinctly misleading.

Babu JATINDRA NATH BASU: Sir, I admit that the language is not very happy.

Mr. SPEAKER: I think you had better abandon it. I will however allow you to speak later on this subject.

Maulvi ABDUL BARI: Sir, I beg to move that in clause 18 in proposed section 74A in line 8 for the figures, word and brackets "(4) to (8)" the figures, words and brackets "(4) and (6) to (8)" be substituted.

I also beg to move, Sir, that in clause 18 in proposed section 74A in line 9 the words "compensation" be omitted.

Now, Sir, I want to make my position perfectly clear and in doing so it will have to be necessary for me to refer to section 58 of the Bengal Tenancy Act. The members of this House—

Rai HARENDRA NATH CHAUDHURI: I rise on a point of order, Sir. As section 58 is not exposed to amendment, I submit amendment No. 655 is irregular.

Mr. SPEAKER: Mr. Bari is quite in order for the simple reason that the remedy proposed by section 58A is the remedy proposed by Government and if anybody wanted to propose an amendment in respect of that section it would have been quite open for him to do so without touching the Bill.

Maulvi ABDUL BARI: Section 58 only provides that if a landlord refuses to grant a receipt to the tenant after he makes payment of his rent, the remedy that is given to the tenant is to file an application before the Collector and the Collector after making an enquiry can impose a fine on the zemindar or his agent concerned. Sub-section (*5*) of this section provides that in a case where the Collector finds that the application filed by the tenant is frivolous or vexatious, then the Collector in his turn will award a compensation of Rs. 50 to the zemindar. The difficulty is that *abwabs* are being realised throughout the province by the zemindars or by their agents with the connivance of the zemindars and to such an extent that it has taken a strong foothold in the minds of the tenant that the zemindars have almost the legal right of realising abwabs from the tenants. Of course, Sir, it would have been a very happy day for us and for the tenantry of Benal

if the realisation of *abwabs* had been made a penal offence; but in view of the fact that the ruling given by you that the amendment which sought to bring about a provision like that is out of order, I think the omission of this sub-section (*5*) should give us at least some relief. I submit this much that generally we find that our tenants are very loath to go and complain against their zemindars, not because they do not like to have any remedy but because they are afraid of their landlords and their agents that if they make any complaints against them, the result will be that a multiplicity of suits would be brought against them and their lives would be made miserable and that is the reason why they do not like to move against the zemindars. Furthermore, when they want to proceed against the zemindars, hardly do they find any witness to support their case. In addition to this if the tenant fails to prove his case, then the zemindar would be awarded a compensation of Rs. 50. That will deter a tenant from proceeding against the zemindar because there will be always the fear in his mind that he might not find witnesses to support his case. So, naturally the object will be defeated. If the Court finds it a false case, and it is well known that there are people who for want of money and witnesses cannot prove a case and those who practise in Criminal Courts know very well that a case, although a very true one, often falls through for want of evidence, a compensation is awarded against him. That is the very thing that is imposed by the inclusion of sub-section (*5*) of section 58. It is for this reason that I want to delete sub-section (*5*). I find that there is a feeling in the minds of my Muslim friends that in view of the fact that the clause which sought to impose a penal provision for the realisation of an *abwab* has been overruled the whole clause should be withdrawn. With regard to that, I would like to say this much that half a loaf is better than no loaf. Of course, it is like the cry of a petulent child, who, because he wants more, would not have what is given. At least some provisions ought to be made in order to make it more effective. I know it is insufficient and ineffective but still it is something. So long as it remains on the statute book, let us make the best use of it. Le us go to mufassal and tell the people there that we have tried to get as much as possible. If there be one or two cases of a zemindar or his agent being fined Rs. 50 I think cases for the exaction of *abwabs* will gradually disappear. Therefore for the present I would request my friend on this side, to accept the provision of the Bill as amended by several amendments and then try to bring in a legislation at the very next session either by Government or by a non-official member. With these observations, I beg to press for the acceptance of the motion standing in my name.

Mr. SPEAKER: Is amendment No. 658 necessary? I would draw the Kazi Sahib's attention—I am not saying that his amendment is

out of order—to section 74 which refers to all impositions upon tenant under the denomination of *abwab, mathut* or other like appellations in excess of the rent. They are two separate things, and the Kazi Sahib wants both to be considered as the same. The new section 74A states that a zemindar shall be liable to same penalty for exacting from a tenant anything under the denomination of *abwab*, etc. I do not understand why he thinks section 75 does not relate to *abwabs*. I do not think it is necessary for him to move.

Mr. SURENDRA NATH BISWAS: Sir, the amendment may be moved just to remove our apprehension.

Mr. SPEAKER: Very well, Kazi Sahib may move it

Kazi EMDADUL HAQUE: Sir, I beg to move that in clause 18 after the proposed section 74A the following proviso be added, namely:—

"Provided that summary penalty inflicted on a landlord for exaction of *abwabs*, etc., mentioned in this section shall not operate as a bar to a tenant's seeking relief by a suit under section 75.

Sir, I think realisation of anything in excess of rent also comes under the denomination of *abwab*. Therefore I beg to move my amendment and in doing so I may state that it is a matter of common knowledge now that this abwab is being realised by landlords well as their officers without the least hesitation. They do it not as a matter of favour but they think that they have got some right to do it and the attitude that Government takes in this respect is also something which is not desirable at all. It is now also within the knowledge of the Government that this *abwab* is actually being realised. In answer to a question put in this House the other day the Hon'ble Minister was kind enough to tell us that this practice has been obtaining from time immemorial as though he was giving the sanctity to the custom that prevailed. A departmental enquiry was held on the representation to the Government of 400 men and a result of that representation it was found by the officers of Government that *abwab* was being actually realised in Midnapore district. But what did Government do? The Government ought to have ordered prosecution but instead of doing so they simply asked the District Officer to warn those responsible for the realisation of *abwab*. This shows that Government did not want to stop this *abwab*. If they had a mind to stop the *abwab* they would have ordered prosecution in the case of landlords when they were found to be exacting *abwab*, but instead of doing so they have simply asked their officers to warn the zemindars and their officers. Now, Sir, it

is a corrupt practice of singular nature no doubt. We hear of corrupt practices prevailing in various spheres of life. We hear of corrupt practices prevailing among officers of law courts; but there even the court officers if they take anything take is in lieu of some services rendered by them. But here in this particular case the zemindar and his men realise these *abwabs* but do not give anything in exchange thereof. I again say that if a court officer takes bribe he does it in lieu of some service rendered, but neither the landlord nor his agent gives anything in return for the *abwabs*. It is therefore exaction pure and simple. So some drastic measure ought to be taken against the landlord or his agent whoever realises in excess of his rents or exacts anything of the nature of an *abwab*. We have got in the Act itself section 75 which provides that whenever a landlord or his agent really exacts anything of the nature of an *abwab* the tenant may by a suit recover from him in addition to the amount exacted such amount or amounts as the court thinks fit not exceeding Rs. 200 and where double the amount exacted, exceeds two hundred rupees not excetding double that amount. But I have my doubt that if the proposed summary remedy in the proposed clause 74A be taken assistance of that itself may be a bar against his proceedings under section 75. Section 75 provides a remedy and section 74A wants also to provide a remedy, so it might not be argued that because a man has sought for a relief under section 74A therefore he would be precluded from instituting a suit for recovering the relief that is provided under section 75. I say, Sir, that the tenant should not be denied either privilege and that the proposed section 74A should not be taken as an alternative of section 75 but as one in addition to the provision of that section. I therefore commend my amendment to the acceptance of the House.

Maulvi ABU HOSSAIN SARKAR: I beg to move that in clause 18 after the proposed section 74A, the following proviso be added, namely:—

"Provided that this section shall not be a bar to his prosecution under the Indian Penal Code or any other law for the time being in force."

Abwabs or illegal exactions have been taken objection to for a long time by the tenant and his compatriots but up to this time Government did not come forward with any measure of relief to save the tenant out of this difficulty. This year the so-called popular Government were expected to bring forward some such legislation which might penalise the landlords or his agents who take such illegal gratifications. Unfortunately they have brought forward a clause which is not quite in conformity with the promises which some of our leaders made at the time of the last election. The history of this

abwab takes us back to the middle of the 19th century. After the Regulation conferring permanent settlement on the landlords in 1793 the greedy landlords began to exact money from the tenants in such a way that some of the tenants of North Bengal, especially of Pabna had to revolt against the landlords. Consequently the first Bengal Tenancy Act was enacted when some of the illegal exactions were legalised in the shape of enhancement of rent. Subsequently this Act was remodelled in 1885 but in spite of that the illegal exactions went on in the nature of salami and other things. Then this salami again was legalised in 1928. In spite of all that the greedy landlords and their agents did not stop but they went on realising the *abwabs*. Now that the *salami* is going to be abolished it is expected that some stringent measures should be enacted to check these illegal exactions. Unless and until some law is provided to prevent exactions in lieu of the *salami*, the agents of the landlord or the landlord himself will try to compensate his loss of the *salami* by exacting illegal *abwabs* and other things. In this proposed proviso, I submit that I want to apply some provision of the Indian Penal Code and the Criminal Procedure Code to penalise such landlord or his agent. If the House is pleased to accept this amendment, then the landlord or his agent will be checked to some extent. With these remarks, Sir, I submit that this proviso may be added to the proposed section 74A of clause 18.

Babu JATINDRA NATH BASU: I propose to support clause 18 but I oppose the amendment moved by Mr. Abu Hossain Sarkar. I desire to point out that if a criminal act is committed in realising money which a landlord or his agent is entitled to realise, then under the ordinary law of the country, the matter becomes subject to the provisions of the Indian Penal Code. It is necessary that there should be a saving clause in this measure to ensure that a guilty person should be dealt with, as the offender would be brought under the law in the ordinary course, even if there is no provision. Such a provision is redundant and it is not legally necessary. There is one factor in the life of this province which is probably lost sight of in measures of this nature. Is it or is it not to the interests of this province that with the combined efforts of all sections this province should be raised to a higher level, and that there should be amity and peace amongst all sections. If opportunities are given to the landlord and the tenant to proceed against each other in a criminal court or before quasi-criminal authorities, the result will be an accentuation of ill feeling between them. Taking the present as also the future of the province into consideration it is necessary that they should live in amity. If a landlord has made an exaction which under the law he is not entitled to make, there is nothing to prevent the injured party from proceeding against the landlord either in a civil or in a criminal court. Mr. Abdul Bari has said that *abwabs* are realised in

very large sums every day. If he will look through the records of the civil courts and of the criminal courts of this province he will find that tenants very well know what their rights are, and what they can do, if they choose, so far as their relations with the landlords are concerned. For instance, look at the number of civil suits in this province. Why is the percentage of rent suits so high? Most of the suits that are filed in the subordinate civil courts are rent suits. Why is it so? What is the explanation? You have a very large subordinate judiciary simply for the purpose of hearing rent suits. If the tenants delay the realisation of landlord's rent by filing defences in these suits, do you think that if they have any grievance against the landlords they would not take necessary action against the landlords? The tenants now-a-days are not so blind to their rights and privileges as probably they used to be in days gone by. They have become very alert and wide-awake and their representatives always remind them of what their rights are. Where is the necessity of bringing into this Bengal Tenancy Bill a special provision that a tenant might proceed in a particular way? He has the right to proceed before a civil court and before a criminal court if a sum is unjustly realised or is attempted to be realised by the landlord. Then as regards the procedure about the Collector issuing a summons and proceeding with the matter in a summary way it may be that the landlord may have some claim in excess of the rent. For instance, a tenant has the right to cut trees, to make excavations for the purpose of irrigation but if a tenant converts his agricultural land into a brick-field and thereby injures the productivity of the soil, then the landlord is justified in proceeding against the tenant for the recovery of damages. And even in such cases, those are matters which are entirely of a civil nature and ought to be tried in the civil courts, because it is a question of civil right. But you send him to the Collector who has to deal with the collection of revenue, then the procedure proposed to be adopted is a summary procedure in a case where important civil rights are going to be adjudicated upon. Sir, that would mean injustice to the landlord. Take for instance the Collector of a district who is the registered owner of a khas mahal or the owner of an estate which is under the administration of the Court of Wards and is under the Board of Revenue. Some *amla* or agent of the landlord, who, in this instance, is practically the Government, goes and realizes some dues and money unjustly from the tenants. Then the provision that is intended to be applied by this clause is that the landlord may be summoned to appear before the Collector about a matter of which he may not know any thing. Sir, these are the various anomalies and difficulties about this matter. The law ordinarily gives the tenant all the relief that he is entitled to. This is a needlessly harsh section, which I submit should not form part of the proposed Act.

Kumar SHIB SHEKHARESWAR ROY: I would like to speak for a minute or so.

Mr. SPEAKER: Mr. Rasik Lal Biswas. Kumar Sahib, you can speak after Mr. Biswas.

Mr. RASIK LAL BISWAS: Sir, as my ill-fated amendment is disallowed I support all the amendments on this clause that have been moved in this House, for acceptance. This clause 18, which proposes to introduce a new section 74A, is most ill-conceived and is most mischievous. It will not help the tenant in any way. There is already some section—section 58—in the Bengal Tenancy Act, but the tenants are so circumstanced that they have not been able to take advantage of this section, though in most cases zamindars or their agents do not grant rent-receipts in proper time. In many cases zamindars or their agents after taking rent grant receipts only after several months by deducting a good portion from the rent paid as *abwab*, salami, interest, and many other things, in as much quantity as they like. This section is also bound to have the same effect. It will be of very little use to the tenancy. Our Prime Minister has just said that Government are not aware that such a section was coming up to this Assembly for enactment. I do not know how an astute lawyer, and a veteran in this matter as he is, our Prime Minister has overlooked such a clause, which is going to be incorporated in the Act. (The Hon'ble Mr. A. K. Fazl-ul-Huq: Which one?) Clause 18. I think Government have also connived at this matter, and wanted to incorporate this clause in this way. Otherwise, things of this nature would not have been here. This section says that if a landlord or his agent exacts from a tenant any imposition declared under sub-section (*1*) of section 74 to be illegal, such landlord or his agent, as the case may be, shall be liable to a fine not exceeding Rs. 50, and how? If the landlord or his agent goes on doing this sort of illegal acts, then the aggrieved tenant will have to file a petition of complaint to the Collector, and the Collector in a summary inquiry if he finds that the landlord or his agent is exacting money in the way mentioned in the petition, then he may be graciously pleased to impose some fines. In cases like this, what is done? The Collector has got several "public" funds, and he wants money from zamindars and other rich men of the district. Those who satisfy the Collector by contributing a sum of money to these funds, the Collector will never touch them. So, Sir, it is the discretion of the Collector to do justice or not to do justice, and it generally happens that the Collector never touches these sorts of persons. Otherwise, how can these illegal acts, which have been going on for centuries, still can go on? The Collector knows everything. I have had talks

with many a Collector and they have all confessed that they know everything but that they have no time to take action against them. Our Ministers too, Sir, who are the representatives of the people, also know these things very well, but they have never cared to put a stop to them. Some of our present Ministers—some four of them—were also Ministers in the previous Government, and they never cared to do anything in this matter. These Ministers are still here in this House as Ministers of Government, and they are going to enact a thing which will cause much hardship to the tenants. In the guise of helping the tenants they are fraudulently going to help the landlords in various ways. They are also a party to this clause and to this Bill. These *abwabs* constitute a long-standing custom, and the zamindars and their agents assert customary right to collect these *abwabs*. The zamindars generally appoint *naibs* and *gomosthas* on a pay of Rs. 2 to Rs. 15 a month, and almost in every case it will be seen that after three or four years of service these *naibs* and *gomosthas* construct, out of this small salary of Rs. 2 to Rs. 15 a month, pucca buildings in their houses, dig tanks, and acquire considerable property. How can they do all these things, Sir? It is known to the zamindars and it is known to everybody that the agents do all these things with the connivance of the zamindars. The zamindars do not like to pay a higher rate of salary to their officers and they appoint them on the clear understanding that they would be allowed to exact *abwabs*, and it is a matter of great shame to say that these *gomosthas* have sometimes to share these *abwabs* with their masters. (Kumar Shib Shekhareswar Roy: Question.)

Sir, the rents are collected in proper time and in proper quantity, but the agents of the zamindars do not record these things, and they do not give any account for all these rents that are collected. They take good amount out of this collected sum and they hand over a small portion to the zamindars, and as a result of this they show that rents are not collected. A large number of rent suits are accordingly due to this sort of oppression and illegal acts of the agents of the zamindars. So, justice and fairness demand that these acts should be put a stop to at any cost. It is not the civil remedy that will be able to stop these things. The zamindars who are party to the exaction of these *abwabs* and who connive at the misdeeds of their agents ought to be flogged—flogged publicly. There is no other sufficient remedy other than flogging for them. (Cries of "Hear, hear" from the Coalition Group.) It is these zamindars who are responsible for this sort of oppression of the tenants, and nothing short of this sort of punishment will cure them and stop these illegal acts on their tenants. The remedy that has been suggested in this clause and the amendments that have been suggested thereto will not come to even one per cent. of what is needed to stop all these oppressions. And I hope good sense will at last dawn upon Government and that they will,

looking to the interest of the tenants, come forward with an amendment Bill in the next session to do away with this sort of thing.

With these words, Sir, I strongly support all the amendments.

Kumar SHIB SHEKHARESWAR ROY: Mr. Speaker, Sir, I have no quarrel with clause 18; in fact, I welcome it, and that is why you will find that there is no amendment to this clause in my name. Sir, I would refer to the amendment moved by Maulvi Abdul Bari, I mean amendment No. 655, and I would at once say that I must oppose the amendment, which means that sub-section (*5*) of section 58 of the Act be made inoperative. Well, Sir, let me read to the House what that sub-section is. It reads: "Where, in any case instituted under sub-section (*3*), the Collector discharges any landlord or agent, and is satisfied that the complaint of the tenant on which the proceedings were instituted is false or vexatious, the Collector may"—mark the word, Sir, "may" and not "shall"—"in his discretion"—mark the words, Sir, "in his discretion"—"by his order of discharge, direct the tenant to pay to such landlord or agent such compensation not exceeding fifty rupees"—mark again the words, Sir, "not exceeding fifty rupees"— "as the Collector thinks fit"—again mark, Sir, the words "thinks fit". And even with all these savings Mr. Bari wants to get rid of it. It is simply ridiculous. It is hideously absurd on the very face of it. I wonder how a lawyer-member of this House, I wonder how a member belonging to the profession of law (A VOICE: It is only the beginning of wondering!), how any one with any ethical or juristic sense could have brought forward such a proposal before this House. It did not strike him that this would simply encourage the tenants, mischievous tenants, misguided tenants, to bring false cases against landlords with impunity. If the House accepts this amendment of Mr. Bari, then it will proclaim to the world at large that equity and justice have no place here in this legislature when the tenants and the zamindars are concerned.

Mr. DHIRENDRA NATH DATTA: Sir, what about my short-notice amendment?

Mr. SPEAKER: I have not yet got a copy of it. Have you submitted to me?

Mr. DHIRENDRA NATH DATTA: Yes, Sir. I just handed it over to you as soon as you had finished your ruling.

Mr. SPEAKER: Well, I am very sorry I cannot accept it at this stage. I hope you will realize my difficulty as well as the difficulty of the House.

(Several speakers rose to speak.)

Mr. SPEAKER: We must take a course which would shorten the debate and I appeal to the members to consider this point. There are still 6 clauses to be dealt with and if the desire of the House is not to continue beyond the Puja vacation the course that I have adopted is I think the only correct course.

Khan Bahadur JALALUDDIN AHMAD: Sir, I feel constrained to make an observation or two on clause 18 of the Government Bill and the amendment. I do not speak from any party interest as I do not owe allegiance either to the landlords or to the Proja Party. The Proja Party want, or some of them want, a punitive measure under the criminal jurisprudence for a remedy for illegal exaction by the landlords. It is admitted that *abwabs* are realised by the landlords in most places. But in spite of this very few cases are brought either to the cognizance of the Collector or to the civil court under section 75. The tenants generally have got the temerity to do so. Now, Sir, this temerity could not be avoided even if criminal remedy is provided. But as the matter stands at present, section 74(*a*) is on the lines of section 58 of the Bengal Tenancy Act.

In my district there are petty landlords excepting one or two big landlords and their tenants are not in so much terror of the landlords as in other districts where there are big landlords. In my district I have not seen any case under section 75. In other districts where landlords are very powerful, I do not think that so long as the tenants are afraid of the landlords they would have the courage to bring criminal cases. In these circumstances I am constrained to support clause 18, as it stands at present, in full and cannot with equity and justice support the deletion of the word "compensation" from the clause as suggested by some of the members. If the landlord is going to be penalised for exaction of illegal *abwabs*, there is no reason why there should not be a corresponding provision to penalise those tenants who bring false case against the landlords on account of enmity. It is quite proper I think that under section 74(*a*) of the new Bill they should be penalised for bringing false and malicious cases. All landlords are not villians and all tenants are not angels. There might be cases where some tenants are more powerful who will go against petty landlords out of enmity and malice. On these grounds I support the Hon'ble Revenue Minister.

Mr. SHAH SYED GOLAM SARWAR HOSAINI: Spoke in Bengal in support of the amendment.

Mr. SYED JALALUDDIN HASHEMY: Sir, I wish I could hav acquired the habit of patience as is generally the practice of a speake of the provincial legislature. So under the circumstances he is boun to hear speeches sometimes devoid of any sense of humour, sometime devoid of no sense of grammar even.

Sir, I had no mind to speak on the subject at least on this particula occasion. I had no mind to utter a single word on the subject becaus I know, and I know very well my deficiency, the subject under discus sion is undoubtedly complicated for a layman as I am. But to-da of all days when I found to my surprise that a person no less than Mr. J. N. Basu has taken the brief for the zamindars, I think it my bounden duty to speak on the subject. Sir, I will not take up much time of the House. I will give simply one day's experience not of myself, not of any *Proja Bandhu*, not of any Proja leader, but of a person no less than a man who is himself a zamindar. I am speaking of one of the illustrious sons of Bengal, Raja Janaki Nath Roy of Bhagyakul. Only the other day I went to meet him as my zamindar and I was to discuss about a holding which I had under him a few years ago. The description he gave as a zamindar was horrible. He had been in my district at Kaliganj for only 24 hours. He told me that early in the morning he rose amidst noisy parade and other things. When he came out he found a dozen of he-goats tied in the kutchery. Sir, this is the true description which I recently had on the working of a zamindari. After that he found lots of *rohu* fishes coming to the kutchery from distant villages. Sir, at 12 to his surprise he found jars of water coming from different directions. At 4 o'clock he enquired of his agent what were all these things and who were sending them. The illustrious agent, the *naib* of the kutchery, gave him the description of these articles. I know my district, I know the poverty of my district and I know that even famine is going on in that particular area. He said that these articles were brought to him by force through peons and other agencies. Sir, I do not understand how a man of the status of Mr. J. N. Basu whom I know not to-day but I know him from a long time to be a man with all sense of justice and fairplay to all classes of people particularly towards the poor. Sir, these *abwabs* must go. Speeches after speeches have been delivered on the subject. Sir, I would only add, if I am permitted to say, that if I had any authority in this matter I would have asked that some of the mischievous zamindars ought to have been shot dead far from making any legislation. I do not include Kumar Shib Sekhareswar Roy in that list, but I include those mischievous zamindars who are depriving the tenants day after day of their elementary right to dealing with

their own things. Sir, you will find in every village—far from speaking of zamindars—when an ordinary man goes to a village for collection he collects money no doubt and I have experienced and seen with my own eyes that they do not require the help of any civil court. They go straight and they do not hesitate for a moment to take away bullocks from the tenants without any authority of the court. Under the circumstances the shall amendment that has been moved by my friend Mr. Abdul Bari and by my friend Comrade, Mr. Abu Hossain Sarkar, is the only thing that we can do at this stage. Sir, I will not comment and I should not comment on the ruling given by the Chair but really, Sir, it came to us as a bolt from the blue, and we had no other alternative but to move the small amendment which will give a bit of relief we require for the protection of the elementary right of the tenants. Sir, with these few words I support the motion of Comrade Abu Hossain Sarkar.

The House was then adjourned for 20 minutes.

(After adjournment.)

Mr. SPEAKER: Is it the desire of the House that this debate should be closed?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir. But before you put the question I want to make a statement.

Sir, I will be very brief in my remarks. I have been given to understand that the majority of members of this House would be satisfied if amendments Nos. 658 and 659 to 673 are not opposed by Government. So far as we are concerned, we think that these amendments are unnecessary, but if the majority of opinion is that it satisfies their point of view Government will have no objection. In that view of the matter I think, Sir, further discussion is useless.

The amendment of Maulvi Tamizuddin Khan that in clause 18 in proposed section 74A in line 1 for the word "exacts" the word "realises" be substituted was then put and agreed to.

The amendment of Maulvi Abdul Bari that in clause 18 in proposed section 74A in line 8 for the figures, word and brackets "(4) to (8)" the figures, words and brackets "(4) and (6) to (8)" be substituted was then put and agreed to.

The amendment of Maulvi Abdul Bari that in clause 18 in proposed section 74A in line 9 the word "compensation" be omitted was put and agreed to.

The amendment of Kazi Emdadul Haque that in clause 18 afte the proposed section 74A the following proviso be added, namely:—

"Provided that summary penalty inflicted on a landlord for exac tion of *abwabs*, etc., mentioned in this section shall nc operate as a bar to a tenant's seeking relief by a suit unde section 75."

was then put and agreed to.

The following motion of Maulvi Abu Hossain Sarkar was put an agreed to:—

That in clause 18 after the proposed section 74A, the following pro viso be added, namely:—

"Provided that this section shall not be a bar to his prosecutio under the Indian Penal Code or any other law for the tim being in force."

Clause 18.

The motion that clause 18, as amended, stands part of the Bill, wa put and agreed to.

Clause 19.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have circu lated a revised draft of my proposed amendment to this clause, whic runs as follows:—

Suspension of provisions relating to enhancement of rent.

"75A. All the provisions of this Act relating to enhancement o rent are hereby suspended for a period of ten years with effect from the twenty-seventh day of August, 1937, and all decrees and orders passed under any of the said provi sions on or after the said date are hereby declared to be void."

Mr. DHIRENDRA NATH DATTA: Sir, the revised draft has just been circulated. The Hon'ble Minister's previous amendment was circulated on Saturday.

Mr. SPEAKER: The only changes which have been made in the amendment circulated previously are that the words "or reduction" have been deleted and the words "for a period of ten years" have been inserted after the word "suspended." If there is any objection, I shall have to postpone the consideration till to-morrow.

I should at this stage give my decision as to the admissibility of this amendment. I referred to this matter on Saturday last and I expressed my views in terms which were very clear to the House and

to the Hon'ble Minister in charge. Since then I find that Government have changed the amendment slightly by adding the words "after a period of ten years" and taking away the words "or reduction." So far as my decision is concerned, the deletion of the words "or reduction" does not affect the matter and the question of the period of time, viz., ten years is not also very material. I have very fully gone into the matter and I must frankly say that the change is not very material. I do say that whenever I have given my ruling I have done so with a conscience within me and with the sense of responsibility which has been put upon me by the House. The moment the responsibility of the Speaker has been placed on me, I have constantly felt God overhead and the conscience within me that I have to discharge my duty to this House with honesty and conviction. It may be that there are certain factors which might be mistaken, who knows, because man is after all not infallible; but I am clear in my conscience. I am not fully convinced that the second part of this amendment is in order. Whenever there is any doubt as to the admissibility or otherwise of a motion, my decision have always been in favour of the House discussing the matter unless I am clearly convinced that it is beyond scope. Holding the principle I have just stated, I should not take upon myself the responsibility of ruling out the motion but leaving it to the decision of the House, I hold for the time being that this amendment is in order

Kumar SHIB SHEKHARESWAR ROY: Sir, what about the shortness of notice?

Mr. SPEAKER: It is entirely for the House to decide. If I find that there is a substantial section against taking it up now, I shall have to postpone it till to-morrow.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, if the House insists on this question being adjourned till to-morrow, I have no objection.

Mr. Khwaja SHAHABUDDIN: Sir, so far as the deletion of the words "or reduction" goes, it is a very simple matter——

Mr. SPEAKER: Mr. Shahabuddin, you have misunderstood the position. So far as the Government amendment is concerned, it has only been circulated to-day (A VOICE: Sir, just now.)

Mr. Khwaja SHAHABUDDIN: Sir, may I be permitted to point out that your previous ruling was that if any material change be made in an amendment, proper time should be given for its consideration? As

far as this Government amendment is concerned, the portion which wants the deletion of the words "or reduction" goes, I do not think that any member of this House can contend that this matter requires further consideration on his part and the matter should be adjourned for that purpose. Then, so far as the other portion regarding the time-limit of 10 years is concerned, I understand that this has been introduced, because you, Sir, said that there was no time-limit when it was intended to repeal the section. As neither of the suggested alterations requires further consideration on the part of members, I submit that the matter may be taken into consideration now.

Mr. SPEAKER: I should like to have the view of the Congress Party as to whether they would like to take up the matter now.

Mr. SARAT CHANDRA BOSE: Sir, without inconveniencing this House, I think that in view of the fact that we have just got this amendment, the matter may stand over till to-morrow.

Mr. C. MILLAR: Sir, I am inclined to agree with the Government Whip in this matter. I realise that the notice is very short, but the considerations of this question of enhancement are very wide; and I think that the amendments proposed by this short-notice motion are comparatively minor. As every member of this House is anxious to finish this Bill as soon as possible, I am inclined to think that we may proceed with the discussion of this matter.

Kumar SHIB SHEKHARESWAR ROY: Sir, the period of the suspension of enhancement for ten years is a new matter on which we must consult our people.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I may inform the House that this draft has been modified after due consideration of various circumstances put forward by several members of this House, and we think that it reflects the feeling of the majority of the House regarding the provisions affecting the enhancement of rent. We think it would not be desirable to postpone the discussion of this amendment for to-morrow: at any rate, the discussion should go on and if there is any difficulty and if any voting is necessary, it may be done to-morrow. The discussion can certainly go on and so far as we are concerned, we think that there should be no adjournment.

Mr. DHIRENDRA NATH DATTA: Sir, shall we be allowed to move short-notice amendments to this amendment? We would like to extend the period to 15 years.

Dr. NALINAKSHA SANYAL: Sir, may I rise on a point of order? My point is that in accordance with parliamentary practice in other countries, particularly in Great Britain, the Speaker can never allow others in the House to advise him on matters where the minority needs protection. The rules and standing orders of Parliament are meant to be interpreted in the interests of minorities. The majority can and always do take things in their own way by virtue of majority of votes. I submit, Sir, if there is any minority opposing a particular line of action, that opposition ought to receive your attention.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I rise on a point of personal explanation. The majority of the House does not necessarily mean the members sitting on this side of the House. What I meant to say was that by common consent the discussion might go on. If my words be taken in that light, I should say that I never meant them to mean majority of numbers.

Kumar SHIB SHEKHARESWAR ROY: You want to crush the minority.

The Hon'ble Mr. A. K. FAZLUL HUQ: I find that the minority is uncrushable.

Dr. NALINAKSHA SANYAL: Lest we may be misunderstood, I say that this amendment, though it has come very late, is welcome to us; but we want to put in further amendments to improve that amendment in favour of the tenant.

Mr. SPEAKER: In a matter like this my jurisdiction ceases as soon as the amendment is admitted. It was quite open to me not to put it on the agenda paper; but as the House is in possession of it, I am helpless now. If the House so decides, it is quite open to it to take it up either to-day or to-morrow. In view of the fact that we are already too late and that we may not sit very long, I am of opinion that the business should be finished expeditiously, but I would leave it to the House to consider whether in view of the attitude taken by some of the minority groups it should not give time till to-morrow to consider the question.

Mr. SANTOSH KUMAR BASU: Before you take up the amendment may I just make one submission to you as to whether in view of the fact that this amendment is not only a short-notice amendment but the shortest-notice amendment, members who want to move further amendments should give notice of them here and now. Otherwise this discussion will be absolutely meaningless on the question of representation of different views of the different sections of the House. Before

you place the matter to the House for its decision, may I just make final appeal to you in view of the position that you have consistentl taken with regard to short-notice amendments asking the Governmen to allow them to stand over for scrutiny, discussion and decision late on, to accept the same position now?

Mr. SPEAKER: I have no objection, but Government want t carry on; and I have therefore left the matter to the House to decide

Dr. NALINAKSHA SANYAL: I submit it is perfectly within th parliamentary practice to take the opinion of the House, but in matter of admissibility it is your ruling which must be taken as final.

Mr. SPEAKER: I have decided that it is admissible. I am also considering whether it can be taken up. As I have already said, so far as the addition of the period of 10 years is concerned, if the other side gives any notice of an amendment I shall have to consider whether I shall accept it on short notice. I personally feel a bit uncomfortable in consonance with my duty to the minority that the period of time which has been given to them is too short, but it is open to the House to consider hat as the time is so short whether they should go on with it to-day or not.

Dr. NALINAKSHA SANYAL: We hope that this practice will be followed in future as a precedent.

Mr. SPEAKER: It is entirely in my discretion.

The question whether the short-notice amendment of the Hon'ble Minister should be taken up now was then put and agreed to.

Kumar SHIB SHEKHARESWAR ROY: I take objection to this clause being discussed by this House under section 299(2) of the Government of India Act. It reads thus:—Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land or any commercial or industrial undertaking or any interest in or in any company owning any commercial or industrial undertaking unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation or specifies the principles on which and the manner in which it is to be determined. Then, Sir, I refer to the definition of land, viz., in this section "land" includes immovable property of every kind and any rights in or over such property and "undertaking" includes part of an undertaking.

Now, Sir, my point is that this clause authorises a compulsory acquisition of the inherent right of the landlord in making increments of his rent and this is done in the interest of a section of the public—I mean the raiyats—and as such this clause cannot be moved in this House.

Mr. SPEAKER: Kumar Sahib, you raised objection under section 299(*2*), but I think you have not noticed one of the most essential ingredients of that section, viz., the compulsory acquisition of land for public purposes of any kind. I do not think that by any stretch of imagination it can be said that this is an acquisition for public purposes. I hold that so far as section 299(*2*) is concerned, the Governor's sanction is not required, because it is not a compulsory acquisition. But there is one point which you have not mentioned and which in fairness I should mention. It comes under section 299(*3*). In that connection I have announced at the beginning that so long I hold that an amendment is within the scope of the Bill His Excellency the Governor has given a general sanction to such an amendment.

Mr. DHIRENDRA NATH DATTA: I beg to move that for the words "27th day of August" the words "1st day of April" be substituted. I beg also to move that the period be extended from 10 to 20 years.

I beg further to move that all decrees and orders passed under the said provisions on or after the said date are hereby declared to be void, and that all enhancements made amicably on or after the said date shall have no effect. In the Bill it is provided that it will take effect from the 27th day of August, 1937, and I want to make it have effect from the 1st of April, 1937. So far as my third amendment is concerned, there is no provision in the Bill with respect to enhancement amicably made. There is also no provision with respect to enhancement made by contract. So I have put in an amendment that all enhancements made amicably on or after the said date shall have no effect. This means that decrees and orders passed after that date shall have to be declared void. With respect to the period, I am sure you will agree with me that 10 years is a very short period. So I want to extend it to 20 years.

Mr. SPEAKER: There is one point which just now strikes me and I think, in view of the number of amendments, I would advise Government to take up this amendment to-morrow, so that they can consider the further amendments of which notice has been given. It is my duty to the House that I should make it clear that the House should be given an opportunity to consider the effect of these amendments. It is also for Government to consider whether the drafting is correct or not. If I read the amendment correctly, I find that so far as the provisions of the Act are concerned they are to be suspended for a

period of 10 years; but the decrees and orders stand void for all times. I do not know whether that is a correct interpretation. The thing is that all the provisions of this Act are hereby suspended. Take, for instance, sections 29, 30 and 105—they stand suspended for 10 years, and then you say that all decrees passed under any of these sections stand void without mentioning any period of time. It is for Government to decide whether the amendment is in order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I accept your suggestion and think that this matter should be taken up to-morrow. I have already made it abundantly clear that Government have no objection to the consideration of this amendment being postponed till to-morrow if the House so desires.

Mr. SPEAKER: In any case I think this amendment may stand over for the present, and may be taken up to-morrow.

I think the position is as I have explained, and the House understands it, because I take it, it is the wish of the House that this matter should be taken up to-morrow.

Kumar SHIB SHEKHARESWAR ROY: Will amendments be accepted to-morrow?

Mr. SPEAKER: Amendments must be given notice of by to-day and not by to-morrow.

Mr. SANTOSH KUMAR BASU: There is one difficulty, Sir, in putting forward our amendments, for Government themselves as yet do not know what exactly would be the form of their amendments, and before that is known it is not possible for private members to frame their own amendments.

Mr. SPEAKER: Government, as a matter of fact will have to propose amendments to their own clauses.

Mr. SANTOSH KUMAR BASU: But, Sir, the amendments from private members will arise after Government have made up their mind as to what form their amendments are going to take. In this view, Sir, will you please relax the rule in favour of private members and allow them to move amendments after Government have made up their mind with regard to the attitude they are going to take?

Mr. SPEAKER: In any case, Government have been given a period within which to give notice of their amendments, and if you like, you, too, can do so; there is no bar to your doing so. As a matter of fact, any private member can move an amendment to this instead of Government doing so.

Mr. SANTOSH KUMAR BASU: My point is this, Sir. As you are allowing short-notice amendments to be moved by Government, would you please make this concession in favour of private members that their amendments may be given notice of two or three hours after the Government amendments reach your hands?

Mr. SPEAKER: As a matter of fact, if there is a substantial change then I——

Mr. SANTOSH KUMAR BASU: The whole thing, Sir, is in a quandary.

Mr. SPEAKER: I cannot help that.

Mr. SANTOSH KUMAR BASU: Neither can we, Sir.

Mr. SARAT CHANDRA BOSE: There is one matter, Sir, to which I would like to refer and that is this that the practice of consulting the House on a question as to whether you would admit or not admit a short-notice amendment is, so far as I am aware,——

Mr. SPEAKER: I never said that I am consulting anybody in this House as regards admissibility of any matter.

Mr. SARAT CHANDRA BOSE: I would like to put it in this way, Sir. The Chair has consulted the House as to whether the House will proceed with this matter immediately, but that is a matter, so far as I am aware, of parliamentary practice and convention, and responsibility in that regard rests entirely on you.

Mr. SPEAKER: Well, I have never shirked that responsibility, but have always taken it up.

Mr. SARAT CHANDRA BOSE: I hope, however, Sir, that this will not create a precedent for future guidance.

Mr. SPEAKER: Certainly not. I can assure you, Mr. Bose, that you will not be disappointed.

Clause 20.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I make a statement with regard to clause 20? Government have decided to withdraw clause 20 with the permission of the House. (Cries of "Hear,

hear.") I propose to give this assurance to this House that as this is a very complicated matter, Government feel that instead of simplifying things it would give rise to further complications. In this view, Government propose to take into confidence the leaders of the different groups in this House and prepare a separate Bill which will have nothing to do with the amendment of the Bengal Tenancy Act for giving this right to the tenants. (Dr. NALINAKSHA SANYAL: Why not let it be a private member's Bill?)

Mr. SPEAKER: Will you now move that clause 20 be deleted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Shall I not withdraw it?

Mr. SPEAKER: The whole Bill is under consideration, and you cannot withdraw the clause but you will have to move for its deletion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Then I beg to move that clause 20 of the Bill be deleted.

The question that clause 20 be deleted was then put and agreed to.

Babu NAGENDRA NATH SEN: On a point of information, Sir. May I know how long we are going to sit to-night?

Mr. SPEAKER: Half an hour more, i.e., till about half past seven.

Mr. SPEAKER: Order, order. Before I take up clause 23, I must tell the House that I have not been able to go through all the amendments. I do not know whether there is any amendment to this effect. In case, there is not, I think I would advise the Hon'ble the Revenue Minister to consider one point. It has struck me that in this clause, that is to say, in the 1st sub-clause of this clause, you are doing away with the tenancy and the rights therein, which, as you see, are two separate things. You say that not only will the tenancy be extinguished, but its rights also, whereas, when you revive this you revive only the tenancy and not the rights. What I am suggesting is whether you are going to leave this clause as it stands or you will consider whether along with the revival of the tenancy you should revive the rights also.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I may submit, Sir, that Government propose to accept certain amendments deleting the portion of sub-section (*1*) of proposed new section 86A in fourth and the fifth lines on page 6 of the Bill, beginning with "and" and ending with "extinguished". I think, Sir, that will meet your point.

Kumar SHIB SHEKHARESWAR ROY: Sir, we have not been able to follow.

Dr. NALINAKSHA SANYAL: What is the number of the amendment, Sir?

Mr. SPEAKER: You will see when the time comes.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY: Sir, I beg to move that clause 23 be omitted.

There is absolutely no reason for the amendment of this section, and there is no evidence to show that the provisions of this section have operated harshly on the cultivators. It is an indirect move for the benefit of the intermediaries to the prejudice of the proprietor. Is it meant that the landlord should wait indefinitely for the generous will of the tenant to take the settlement of the reformed land? Or is it meant that the tenant should be given a weapon with which to chastise the landlord for not waiting on his sweet will to settle the land with other persons? There is absolutely no reason for making any amendment of the existing sub-clause (*1*) of section 86A.

Besides it is not equitable to say that the rate of rent of a reformed land shall be the same after twenty years of diluvion as it was before, without reference to the rate of rent prevailing at the time the land reappears.

When every provision has been made for these reformed lands in accordance with the principle laid down in other enactments regarding accrual of rights over diluviated lands reformed, there is no reason why the threat of those enactments should be given.

Mr. ABDULLA-AL MAHMOOD: Sir, I beg to move that in clause 23 in sub-section (*1*) of the proposed section 86A, line 2, the word "wholly" be omitted.

The reason for my moving this amendment is that in the draft as it is an anomalous position has been created by the word "wholly".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are prepared to accept this amendment, Sir.

Maulvi ABDUL LATIF BISWAS: Sir, I beg to move formally that in clause 23 in sub-section (*1*) of the proposed section 86A, lines 8 to 12, the words "and subject to the provisions of sub-section (*2*) the tenant shall, unless there is a contract to the contrary made by registered instrument, be deemed to have surrendered his rights in the lands which have been so lost, and his tenancy and rights therein shall be extinguished" be omitted.

Babu NAGENDRA NATH SEN: Sir, I beg to move that in clause 23, in proposed sub-section 86A(*1*) in the last two lines the words "and his tenancy and rights therein shall be extinguished" be omitted.

Babu NAGENDRA NATH SEN: Sir, I beg to move that in clause 23 proposed sub-section 86A(*2*) be omitted.

Maulvi ABDUL LATIF BISWAS: Before I move my amendment Sir, may I have your permission to substitute the word "twenty" in place of the word "thirty" wherever it occurs in my amendment and also to omit the word "wholly" in the penultimate line?

Mr. SPEAKER: Yes, you have my permission.

Maulvi ABDUL LATIF BISWAS: Then, Sir, I beg to move that in clause 23 in the proposed section 86A for sub-section (*2*) (*a*) the following be substituted, namely:—

"(*2*) (*a*) Notwithstanding anything contained in this Act or any other law or any contract to the contrary, the right, title and interest of the tenant or his successors-in-interest shall subsist in such lands or portion thereof during the period of loss by diluvion not exceeding twenty years and the tenant or his successors-in-interest shall have right to immediate occupation on the reappearance of such lands and portion thereof within twenty years of the loss by the diluvion, and the landlord shall have right to the arrears of rent without interest or damage in respect of the land which has reappeared for the period during which it was lost or for four years whichever is less".

Dr. NALINAKSHA SANYAL: You are allowing such a short-notice amendment to be moved?

Mr. SPEAKER: You see, Dr. Sanyal, it is only verbal.

Maulvi ABDUL LATIF BISWAS: In moving this amendment I would like to say a few words. I admit, Sir, that the Government was actuated by good motive to drive away the inconvenience, to drive away the difficulties, from which the tenants have been suffering owing to the fact when any land is diluviated, after its reappearance the tenant has no right whatever on it. We quite appreciate that considering these difficulties Government actuated by a good motive came forward to give the tenants some sort of right by providing that on its reappearance the tenants should be entitled to revive the right by the

payment of some rent. I admit that the Government actuated by good motive to do some justice towards the tenantry of Bengal made a provision to this effect——.

Dr. NALINAKSHA SANYAL: Can the question of motive be raised here? We are dealing with questions of facts, not motives.

Maulvi ABDUL LATIF BISWAS: I do not follow my friend. Sir, the motive which actuated the Government to bring forward this provision has been frustrated by the clause. Those of us who live in Eastern Bengal and particularly in the district of Dacca know very well that complications have always arisen owing to diluvion. We have found that even in case where tenants did not suspend their rent though the land was under water owing to diluvion, when the land reappeared the landlord or his agents have always tried to put obstacle on the path of the tenants having the right to occupy the land. We have found in the course of our practice in the criminal courts that murders have been committed when tenants go to assert their rights. This cluase which has been proposed by the Government will bring about some mischief and it will highten the mischief even. If land appears after, say, 20 years when the tenants will be going to the landlords to pay rent and have his right revived, it is quite probable that the landlords or his agents will always put off the tenants day afer day and ultimately will deny his right to have his title on the land revived. In order to remove these difficulties and inconvenience, in order to remove this anomalous position, I have proposed this amendment. This amendment says very clearly that during the period of loss by diluvion not exceeding twenty years the tenant or his successors-in-interest shall have right to immediate occupation on the reappearance of such land and the landlord shall have the right of the arrear rent for four years or something like that.

If Government are really moved by good feelings towards the tenants to give the right to them, there i sno reason why this right should not subsist during the period in which the land remains under water. Justice and equity demand that this right should subsist. Therefore if my amendment is accepted, it will remove this inconvenience and it will remove various other trouble if and when the land reappears. I believe that the Government will accede to the demands of the representatives of the people in this respect. With these words I commend my motion to the acceptance of this House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to accept the three amendments in connection with this clause, namely, 1071, 1072, and 1085 as amended by the mover.

With reference to 1085, Sir, I desire to move a verbal amendment, namely, to substitute the word "possession" in place of "occupation" in line 9 of the amendment.

Maulvi ABDUL LATIF BISWAS: Sir, I accept it.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 23, in sub-section (*2*) (*a*) of section 86A, line 3, for the word "twenty" the word "thirty" shall be substituted.

Rai HARENDRA NATH CHAUDHURI: I beg to move that in clause 23 in proposed section 86A (*2*) (*a*) in line 3 after the words "the tenant shall" the following be inserted, namely:—

"on application to the civil court within a year from its reappearance."

May I speak on the motion now?

Mr. SPEAKER: I will allow you to speak to-morrow.

Mr. ABDUL HAKEEM: I beg to move that in clause 23, in the proposed section 86A(*2*) (*a*) in the last two lines for the words "for the period during which it was wholly lost or for five years whichever is less" the words "with effect from the year of such possession" be substituted.

I also beg to move that in clause 23 in sub-clause (*2*) (*a*) of the proposed section 86A, line 5, the words "of the arrears" be deleted.

Maulvi ABDUL HAFIZ: I beg to move that in clause 23 in proposed section 86A (*2*)(*a*) in line 7 the word "wholly" be omitted.

Mr. RASIK LAL BISWAS: I beg to move that in clause 23 in proposed sub-section 86A (*2*)(*a*) in the penultimate line for the words "five years" the words "three years" be substituted.

Rai Bahadur JOGESH CHANDRA SEN: I beg to move that in clause 23 after proposed section 86A(*2*)(*a*) the following proviso be added, namely:—

"Provided that the tenant shall have no right to have his tenancy revised if the claim therefor has not been made in writing before his landlord within three months after the reappearance of the land and if the reformed land has, in the meantime, been settled with any other person."

Mr. ABDUL HAKEEM: I beg to move that in clause 23 in the proposed section 86A (*2*)(*b*) in line 2 the words "both of the arrears" be omitted.

Rai Bahadur JOGESH CHANDRA SEN: I beg to move that in clause 23 in proposed section 86A(*2*)(*b*) in line 7 after the word "resumed" for the comma, a colon be substituted and in lines 7 to 9 the words beginning with "and shall bear" and ending with "of the tenancy" be omitted.

Rai Bahadur JOGESH CHANDRA SEN: I beg to move that in clause 23, for the proviso to proposed section 86A(*2*)(*b*) the following be substituted, namely:—

"Provided that in cases where the entire tenure or holding has been wholly lost by diluvion, the rate of rent of the portion that is reformed shall be calculated at the rate of rent prevailing in the vicinity for the lands of raiyati holdings."

Maulvi ABDUL HAFIZ: I beg to move that in clause 23 in the proviso to proposed section 86A(*2*)(*b*) the word "wholly" wherever it occurs, be omitted.

Maulvi AHMED ALI MRIDHA: I beg to move that in clause 23 in the proviso to proposed section 86B(*2*)(*b*), last line, for the words "wholly last" the words "subsisting lost" be substituted.

I also beg to move that in clause 23, sub-section (*3*) of section 86A be omitted.

Mr. SPEAKER: That finishes all the amendment in clause 23. I must adjourn the House now.

Dr. NALINAKSHA SANYAL: May we know, Sir, how long we shall carry on, as we shall have to adjust our other work accordingly?

Mr. SPEAKER: I do not know how long it will take to finish the Bill.

Adjournment.

The House was then adjourned till 3 p.m. on Tuesday, the 28th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday the 28th September, 1937, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the nine Hon'ble Ministers and 201 members.

STARRED QUESTIONS

(to which oral answers were given)

Martin's Light Railway Workers' Union.

*296. **Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact—

(*i*) that the employees of the Martin's Light Railway have a registered union of their own functioning according to the Trade Unions Act;

(*ii*) that the authorities were approached for the recognition of the union but to no effect; and

(*iii*) that the subordinate employees of the Martin's Light Railway represented more than once their various grievances regarding pay, house accommodation, etc.?

(*b*) Is the Hon'ble Minister aware of a feeling of growing discontent amongst the employees over the attitude of the authorities in redressing their grievances?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, are the Government considering the desirability of instituting an inquiry into the matter? If not, why not?

(*d*) Do the Government contemplate amendment of the Trade Unions Act legislating compulsory recognition of the registered trade unions by the employers? If not, why not?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) A union by the name of Martin's Light Railway Workers' Union has been registered.

(*ii*), (*iii*) and (*b*) I have no information.

(*c*) Does not arise.

(*d*) No. All registered trade unions are not worthy of recognition.

Appointment of scheduled castes to Government services.

*297. **Mr. MONMOHAN DAS:** (*a*) Is the Hon'ble Minister in charge of the Home (Appointment) Department aware of the fact that under the Government of India Act, 1935, some of the backward classes or minority communities have been politically separated and designated as scheduled castes?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government contemplate fixing the percentage regarding the appointments of scheduled castes under the Government within the shortest possible time?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The Government of India Act and the scheduled castes order made thereunder provide for the special representation of certain castes in the legislature.

(*b*) In certain services appointments are reserved for members of the scheduled castes and minority communities and backward classes. The question of reservation for scheduled castes will be considered by Government shortly.

Mr. PROMATHA RANJAN THAKUR: With regard to answer (*b*), in view of the assurance given by the Hon'ble the Home Minister the other day that the question of the whole Hindu community will be put in a water-tight compartment, namely, the caste Hindus and the scheduled castes, will the Hon'ble Minister be pleased to state what castes are designated as backward classes and under what circular some appointments are going to be reserved for them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated more than once in this House that the word "backward class" is a term used by the old Government. We are considering whether in future there will be such a term as "backward class" for reservation of appointments.

Mr. PROMATHA RANJAN THAKUR: Is there any circular under which some appointments are reserved for backward classes and why this term has not been erased out from all circulars of Government?

Mr. SPEAKER: The second part of your question does not arise. You can put the first part.

The Hon'ble Khwaja Sir NAZIMUDDIN: As regards the first par I am not sure if the appointments have been reserved but Governmer have always taken into consideration the claims of backward classe when making appointments by reserving posts for them.

Temporary posts in the Chemistry and Physics Departments, Medic College, Calcutta.

***298. Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister i charge of the Public Health and Local Self-Government Department b pleased to state—

(*i*) whether a general circular has been issued for all department by the Ministry of Finance to make temporary posts perma nent;

(*ii*) whether he is aware that in spite of the abovementioned circula several posts in the Chemistry and Physics Departments Medical College, Calcutta, have not been made permanen notwithstanding the fact that these posts were created lon before 1927, and some of the present incumbents are actin in these posts for the last ten years; and

(*iii*) whether it is a fact that the heads of the Chemistry and Physic Departments have for the last several years moved the Loca Government to make these posts permanent and to allow th present holders of these appointments the grade scale of pay?

(*b*) Will the Hon'ble Minister be pleased to give the list of th present and past temporary Demonstrators of the Chemistry and Physic Departments of the Medical College, Calcutta, for the last 10 year and say how many of such Demonstrators have resigned and left finding no security of their tenure?

(*c*) Will the Hon'ble Minister agree that in educational institution efficiency of teaching increases with experience and that it is unwise t keep temporary hands in such institutions?

(*d*) Will the Hon'ble Minister consider the desirability of making the posts permanent; if not, why not?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*)(*i*) A circular was issued by the Finance Department to the effect that all temporary posts, which had been in continuous existence since 1st April, 1923, should be made permanent, provided the permanent need for them was established in consultation with that department.

(*ii*) Yes.

(*iii*) The Professors in charge of Chemistry and Physics at the Medical College recommended the confirmation of the temporary Demonstrators, but in view of the recommendations of the Medical College Retrenchment Committee, neither the Principal nor the Surgeon-General supported this recommendation.

(*b*) A statement is laid on the Library table.

(*c*) I am afraid this is hardly a request for information.

(*d*) The Medical College Retrenchment Committee of 1932 recommended, after careful consideration, that the posts of temporary Demonstrators at the Medical College should be placed on a contract basis, and Government have decided to give effect to their recommendations.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state when the Retrenchment Committee submitted their report?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not sure, it was some time past.

Mr. P. BANERJI: Is the Hon'ble Minister aware that in spite of the Medical College Retrenchment Committee Report of 1932, several persons in the cadre of the demonstrators were appointed?

The Hon'ble Maulvi SYED NAUSHER ALI: I require notice.

Mr. P. BANERJI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether out of the four persons that resigned three posts were subsequently filled up?

The Hon'ble Maulvi SYED NAUSHER ALI: I require notice.

Muslim medical officers for study leave ex-India.

*299. **Maulvi ABDUL BARI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the number of Bengal Medical Service officers who have been granted leave to go up for higher medical studies in foreign countries for the last 15 years; and

(*ii*) whether any Muhammadan officers were granted study leave for such purposes?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the number of such officers?

(*c*) If the number of Muhammadan officers so granted leave is very small, is the Hon'ble Minister considering it desirable to send more Muhammadan officers for the purpose?

(*d*) Is it a fact that some Muhammadan officers applied for such leave but no orders have as yet been passed?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) the names of such officers, who have applied for such leave; and

(*ii*) when will orders be passed on their applications?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) 14.

(*ii*) Yes.

(*b*) One.

(*c*) The matter is under my consideration.

(*d*) and (*e*) (*i*) Seven Muhammadan officers named below have expressed their intention to go on leave *ex*-India for higher studies. Of these only the first four officers have submitted their applications in the prescribed form:—

(1) Dr. Munsural Rahman.

(2) Dr. Nawab Ali.

(3) Dr. Md. Abdur Rahman.

(4) Dr. Habibuddin Ahmed.

(5) Dr. A. K. M. Abdul Wahid.

(6) Dr. Md. Rafatullah.

(7) Dr. Mahbubul Ameen.

(*ii*) Orders will be passed shortly.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how many Muhammadan medical officers applied for study leave during the last fifteen years?

The Hon'ble Maulvi SYED NAUSHER ALI: Most probably the number will be less than the number mentioned here but if the hon'ble member wants definite information I would ask for notice.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state who deals with these matters of study leave—whether the Hon'ble Minister in charge himself or the Surgeon-General?

The Hon'ble Maulvi SYED NAUSHER ALI: I think these matters ultimately come up to the Minister in charge.

Mr. SHAH ABDUR RAUF: How many of the seven Muhammadan applicants will be granted study leave this time?

The Hon'ble Maulvi SYED NAUSHER ALI: I can hardly answer that question now.

Fund known as "Poor Box" at Lall Bazar Police Office.

*300. **Rai Bahadur KHIROD CHANDRA ROY:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that when proceedings are drawn up against persons under traffic rules, at Lall Bazar Police Office, some collections are made as contribution by parties towards a fund known as "Poor Box"; and

(*ii*) that such collections are also made in some other criminal courts of Calcutta and suburbs as well as in the 24-Parganas?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state in detail—

(*i*) the places where such collections are made;

(*ii*) who are the persons to deal with that collection; and

(*iii*) how that collected sum is spent or to whom it is paid?

(*c*) Will the Hon'ble Minister be pleased to state whether this is a fact that Indians, other than Indian Christians and Anglo-Indians, do not get any share from that contribution?

(*d*) If the answer to clause (*c*) is in the negative, will the Hon'ble Minister be pleased to state what percentage of the collected contribution is spent for them, i.e., for Indians other than Indian Christians and Anglo-Indians?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes, voluntary contributions are accepted in petty cases for minor breaches of traffic rules in which prosecution in court is not considered necessary.

(*ii*) No.

(*b*) (*i*) Lal Bazar Police Headquarters.

(*ii*) Deputy Commissioner of Police.

(*iii*) The money is spent in charity to persons in distress.

(*c*) No.

(*d*) The information is not readily available. Help is given to all applicants irrespective of caste or creed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the average amount collected in the Poor-Box year to year?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this fund has any auditing?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, certainly, it has auditing.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government takes the responsibility for the administration of this fund and whether the auditing is done by the Government auditor?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the Commissioner of Police administers the fund and I ask for notice whether auditing is done by Government auditors.

Dr. NALINAKSHA SANYAL: Does the Commissioner of Police administer the fund in his official capacity or in his private capacity?

The Hon'ble Khwaja Sir NAZIMUDDIN: In his official capacity.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that numerous cases actually are brought before the court and in course of trial are withdrawn at the sudden intervention or non-intervention of the prosecuting police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Is the Government aware that as a consequence there is a great loss of Government revenues and this money which is due to go to Government, go to the mysterious Poor Box?

Mr. SPEAKER: You are assuming that these prosecutions will end in conviction.

The Hon'ble Khwaja Sir NAZIMUDDIN: These are all hypothetical cases.

Dr. NALINAKSHA SANYAL: Is the Government aware that pecifically cases before the Traffic Court and before the Honorary Magistrates' Courts at Bankshall Street have been withdrawn during he last two months. I know at least 5 cases have been withdrawn.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is quite possible. I lid not say hypothetical in these cases.

Dr. NALINAKSHA SANYAL: Is the Government aware that 10 Indian Officer of the police gets any charity from out of this fund ind all the charity goes to the poor Anglo-Indian and European sergeants to send their families to the hills?

The Hon'ble Khwaja Sir NAZIMUDDIN: The hon'ble member contradicts me. May I refer him to the answer given here that help is given to all applicants irrespective of caste or creed.

Dr. NALINAKSHA SANYAL: Is it a fact that the money so far has been spent only on Anglo-Indian and European police sergeants in order to enable them to send their families to the hills?

Mr. C. MILLER: On a point of order, Sir. With regard to section 28 of the Rules and Standing Orders of this House may I ask whether this supplementary question does not come within 28(*3*) on page 9 which forbids arguments, inferences, ironical expressions or defamatory statements?

Dr. NALINAKSHA SANYAL: Which one of these four?

Mr. SPEAKER: Some of them certainly. I can say this much to Dr. Sanyal, that so far as the general policy of the fund is concerned Government is responsible but the direct responsibility of the distribution is a matter which is not within the special cognisance of the Minister in view of the answer given.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Indian Police who are in distress do not get any contribution at all from out of this fund?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already answered this question and I would refer the hon'ble member again to replies to (*c*) and (*d*).

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that several Magistrates have commented adversely on the maintenance of the "Poor Box" which has affected justice to a very large extent?

Mr. SPEAKER: The second part does not arise.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Maulvi ABUL HASHIM: In view of the fact that this fund is being administered by the police there is every likelihood of extortion being practised. Is the Government considering to close this fund?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not expect any likelihood of extortion and Government do not consider the desirability of stopping the fund.

Electricity Scheme by Dr. B. N. Dey.

***301. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that a comprehensive scheme to generate electricity for the use of the Corporation of Calcutta at the pumping stations, institutions, street lighting, was prepared by Dr. B. N. Dey, Chief Engineer, Calcutta Corporation, and submitted under the Calcutta Municipal Act of 1923, in 1930, for the sanction of the Government;

(*ii*) that the total cost of the proposed scheme was Rs. 22 lakhs;

(*iii*) that the cost of generation of electricity in the proposed scheme was much less than that offered by Calcutta Electric Supply Corporation, Ltd.;

(*iv*) that all details and informations on every point required by the Government from time to time were duly submitted;

(*v*) that the scheme is still lying with the Government for sanction;

(*vi*) that Dr. B. N. Dey submitted in original several proposals of renowned Continental and British manufacturers who were agreeable to deferred payment system on a small interest; and

(*vii*) that the entire amount would have been paid up within six years from the savings effected annually in the bills of Calcutta Electric Supply Corporation, Ltd.?

(*b*) If the answers to clause (*a*) (*i*) to (*vii*) are in the affirmative, will the Hon'ble Minister be pleased to state the reason for this delay of seven years in according sanction to the scheme?

(*c*) Will the Hon'ble Minister be pleased to state the person responsible for this loss of Rs. 8 lakhs of rate-payers' money every year?

(*d*) When is the necessary sanction going to be accorded?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*), (*ii*) and (*vi*) Yes.

(*a*) (*iii*) and (*vii*) In the Corporation's letter, dated the 14th/15th May, 1931, submitting the scheme it was stated that an annual saving of Rs. 5 to Rs. 6 lakhs would be effected if the Corporation generated their own electricity. Sufficient data have not yet been supplied for Government to form an opinion as to the correctness of this view.

(*a*) (*iv*) and (*v*), (*b*) and (*c*) On the 14th November, 1931, Government requested the Corporation to furnish complete data required for an examination of the scheme by the Electrical Adviser to Government. The reply of the Corporation was received with their letter, dated the 6th June, 1933, but the Electrical Adviser considered the data supplied to be incomplete and inadequate. Further consideration of the matter was postponed pending a decision with regard to the important question of drainage outfall of the city. After the latter question was settled, Government arranged an informal conference with the Chief Engineer of the Corporation and the Electrical Adviser with a view to coming to an agreement as to the nature of the further data required by the Electrical Adviser. It was hoped that, as a result of the discussion at this conference, the question as to the further data required would be settled by mutual agreement between the Chief Engineer of the Corporation and the Electrical Adviser; but unfortunately this expectation has not yet materialised.

(*d*) I propose to hold another conference very shortly with the technical advisers of the Corporation and of the Government with a view to arriving at a final decision in regard to this matter as early as possible.

Overflow of water in the Salta thana, 24-Parganas.

*302. **Mr. ANUKUL CHANDRA DAS:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that there was constant overflow of water in Kantakhali and Godakhali area in the Salta thana, 24-Parganas;

(*ii*) that the villagers had about 4 years before excavated a canal 13 miles long at their own expense;

(*iii*) that a sluice is necessary at the mouth of the canal where it falls into the Hooghly;

(*iv*) that the villagers have been moving the Government for the construction of the sluice;

(*v*) that the whole area is going to be overflooded with the high tide water from the river Hooghly;

(*vi*) that the homesteads of the villagers are under water; and

(*vii*) that the cultivated fields are now overflooded?

(*b*) Is the Hon'ble Minister considering the desirability of constructing the sluice at the mouth of the canal?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*)(*i*), (*v*) and (*vi*) No; only the low portions of this area are flooded during high tides.

(*ii*) Yes.

(*iii*) No; the correct treatment is to leave the *khal* open to tides during the months when the water in the river Hooghly in that locality is sweet and to erect a bund annually when the water becomes saline.

(*iv*) Yes.

(*vii*) The low area remained water-logged for some time owing to incessant rain during last July and August, but the surplus water has now been drained to a great extent. The condition of the crops is fairly good.

(*b*) No.

Mr. ANUKUL CHANDRA DAS: I take it, Sir, that "Salta" in (*i*) of my question is a misprint for "Falta".

Will the Hon'ble Minister be pleased to state whether he is aware that even the high lands were submerged under water during the rainy season and crops were completely destroyed?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: That is not the report which I have received from the department.

District Board contribution to the General Hospital, Jalpaiguri.

***303. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that all the District Boards in North Bengal are contributing large sums of money to the General Hospital at Jalpaiguri;

(*ii*) that the number of patients both indoor and outdoor have increased largely;

(*iii*) that a serious handicap is being felt there for want of a suitable number of medical officers; and

(*iv*) that the Executive Committee were obliged to bring the matter to the notice of the Surgeon-General through their Secretary, the Civil Surgeon of Jalpaiguri, without any result?

(*b*) Is it a fact that the two extra Resident Medical Officers recommended by the State Medical Faculty have been provided? If not, when will the appointment be made?

(*c*) Is it a fact that the Jackson Medical School, Jalpaiguri, has got a separate teacher for each of the two major subjects, viz., Surgery and Midwifery?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state why this recommendation of the State Medical Faculty is not being carried out?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) Yes.

(*ii*) Yes. A statement for the last three years is laid on the table.

(*a*) (*iii*), (*iv*) and (*b*) The appointment of one Resident Medical Officer was recommended by the Bengal Council of Medical Registration. The question of increasing the hospital staff is primarily a matter for the hospital authorities and not for Government. The matter is, however, receiving my consideration.

(*c*) The question of the appointment of a separate teacher for each major subject in this school is under the consideration of Government along with similar proposals in respect of other Government Medical Schools.

(*d*) No such recommendation was made by the State Medical Faculty.

Statement referred to in the reply to clause (*a*) (*ii*) *of starred question No. 303.*

	1934.	1935.	1936.
Indoor patients	1,429	1,540	1,779
Outdoor patients	16,422	17,129	20,683
Total ..	17,851	18,669	22,462

Number of institutions and associations under ban.

*304. **Mr. BIRENDRA NATH MAZUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that a number of associations and institutions in Bengal were put under ban and declared illegal during the days of Civil Disobedience Movement between 1930 and 1932?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the ban has since been withdrawn from all or any of them? If so, when and for whom?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the names of the institutions and associations which are still under ban; and

(*ii*) the reasons for still keeping the ban in force in each case.

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Statistical information is not available in the form desired by the hon'ble member and to compile it specially would entail an expenditure of time, labour and money which Government regret they cannot see their way to undertake.

(*c*) (*i*) A statement giving the required information is laid on the Library table.

(*ii*) It is necessary to retain the ban in order to prevent interference with the administration of law and the maintenance of public security but as I stated in reply to another question the policy of Government is one of progressive amelioration, and removal of the restrictions will be considered in due course.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the Abhoy Ashram at Comilla interferes with the administration of law and the maintenance of public security?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question of removal of some of these restrictions is now under consideration. In the past the Abhoy Ashram did certainly do so.

Mr. BIRENDRA NATH MAJUMDAR: With regard to this question, first of all I beg to draw your attention to one fact that this question which I sent in has been horribly mutilated and a very large portion of the original question has been omitted altogether.

Mr. SPEAKER: Mr. Majumdar, I may tell you that if I were to exercise my powers very strictly, your question would have been disallowed on the ground of its length. I have put your question in such a form that it might be admissible.

Mr. BIRENDRA NATH MAJUMDAR: Will the Hon'ble Minister be pleased to state whether since the 1st April, 1937, Government have removed the ban from anyone of the organisations which had already been under the ban before that date?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state with reference to the statement made by him that the question of the removal of restrictions will be considered in due course, when the removal is likely to begin?

The Hon'ble Khwaja Sir NAZIMUDDIN: It all depends on the various places. As far as Tippera is concerned, it may begin very shortly.

Mr. BIRENDRA NATH MAJUMDAR: Will the Hon'ble Minister be pleased to state if the gentlemen who belong to this institution are under any ban at the present moment.

The Hon'ble Khwaja Sir NAZIMUDDIN: The ban is against the institution. I do not know anything about the gentlemen concerned.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that the "Kanya Siksha Samity" is a girl school?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be so.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware of the fact that the Birendra Ashram at Palong is an institution composed of one library table and a homœpathic dispensary?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is quite possible.

Properties of the Abhoyasram, Malikanda, Dacca.

*305. **Mr. MONORANJAN BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether properties other than agricultural lands of the Abhoyasram, Malikanda, in the district of Dacca were sold by the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what was the amount for which they were sold;

(*ii*) what was the area of the agricultural land belonging to the Asram taken possession of by the Government;

(*iii*) whether that agricultural land was sold or let on rent;

(*iv*) if sold, what was the amount for which it was sold; and

(*v*) if let on rent, what were the terms on which it was let?

(*c*) If the answer to (*b*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what was the total amount received up till now; and

(*ii*) when was the order for sale or letting on rent passed?

(*d*) Will the Hon'ble Minister in charge lay on the table a copy of the said order?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Moveable properties of the Malikanda Asram, police-station Dohar, were sold.

(*b*)(*i*) They were sold for Rs. 318.

(*ii*) The area of the land taken possession of by Government was approximately 1½ *pakhis*. It was homestead land with some compound which could be used for agricultural purposes.

(*iii*) Let on rent.

(*iv*) Does not arise.

(*v*) The land was let on rent for a period of one year. The rent was fixed at Rs. 2 only as there was little local competition to take a lease.

(*c*) (*i*) Nothing has been paid up to date.

(*ii*) As far as the information is available, the order for letting on rent was passed in November, 1933.

(*d*) The order is not traceable.

Mr. BIRENDRA NATH MAJUMDAR: Will the Hon'ble Minister be pleased to state if the immovable properties sold included the huts on the land?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Sir, may I rise on a point of order? The Hon'ble Minister has in his reply to the last few questions been repeating the stock reply, "I ask for notice." May we not submit, Sir, that the very fact of putting a question is a sufficient notice and

the Hon'ble Minister should come prepared with all relevant matters. Our Deputy Leader once drew your attention to this fact. I submit, Sir, that if the questions are purposely replied in such a fashion, the privilege of the House will be very seriously jeopardised.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I strongly protest against these remarks of Dr. Sanyal. It is impossible to anticipate all the supplementary questions that can be put—some relevant and some irrelevant. (The Hon'ble Mr. A. K. FAZLUL HUQ: "Relevant and irrelevant.")

Dr. NALINAKSHA SANYAL: Sir, I rise on a point of order. Sir, if a question is irrelevant, then it is for the Speaker and not for the Chief Minister to rule that it is irrelevant.

Mr. SPEAKER: Dr. Sanyal, I do not think that every casual remark is to be the subject matter of a point of order.

The Hon'ble Mr. A. K. FAZLUL HUQ: Whenever irrelevant questions have been put, you have stopped them.

Mr. BIRENDRA NATH MAJUMDAR: With regard to (*b*)(*i*), will the Hon'ble Minister be pleased to state what are the properties sold for Rs. 318?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult, as I stated before, to have all the materials before me. If the House can wait for 5 minutes I can look into the file and give all the information.

Mr. SPEAKER: I am afraid, we cannot wait.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what is the law under which the properties were sold?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe it was under one of the Ordinances.

Mr. SURENDRA NATH BISWAS: With reference to answer (*b*) (*v*), in which it is stated that the land was let out for Rs. 2 and also to answer (*b*) (*ii*), that the order for letting out the land was passed on the 1st November, 1933, is it a fact that the land was let out from November, 1933, to November, 1934, only?

The Hon'ble Khwaja Sir NAZIMUDDIN: Originally, yes.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what happened to the land after 1934?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. MANORANJAN BANNERJEE: Will the Hon'ble Minister be pleased to state whether Government are prepared to refund the sale-proceeds to the Abhoy Ashram people?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. NAGENDRA NATH SEN: With reference to answer (*c*)(*i*), will the Hon'ble Minister be pleased to state whether any steps have been taken by Government to realise the rent in arrears?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. Very likely steps have been taken but I do not know why they have not been able to realise the rent.

Post of Deputy Commissioner of Police, South District, Calcutta.

***306. Maulvi AZHAR ALI:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware of the attempts made to post an outside Indian Police Officer as Deputy Commissioner, South District, Calcutta, superseding the claims of Assistant Commissioners of the Calcutta Police in the vacancy to be caused by the retirement of Rai B. N. Banerjee Bahadur?

(*b*) Is the Hon'ble Minister aware that a Sub-Inspector of Police is working as Central Reserve Officer for about 4 months last in contravention of Government sanction of an Inspector for the post?

(*c*) Will the Hon'ble Minister be pleased to state whether the post has ever been held by a Mussalman? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) As one of the posts of Deputy Commissioner is specifically reserved as a "listed post" no question of superseding the claims of Assistant Commissioners can arise.

(*b*) Yes, but Government did not sanction a post of Inspector for this purpose.

(*c*) Since 1909, no Muhammadan has held the post. The disposition of the force is made by the Commissioner of Police and anyone irrespective of the class or community to which he may belong may hold a particular post provided he is considered suitable.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble the Home Minister be pleased to tell us the name of the Muhammadan Officer who held that post before 1909?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Promotion of some junior members of the Provincial Executive Service.

***307. Rai Bahadur JOGESH CHANDRA SEN:** (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state whether recently some junior members of the Provincial Executive Service have been promoted to hold the "listed" posts in supersession of the claims of many senior members of that service?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the names of such members, who have been promoted to new "listed" appointments during the last three years;

(*ii*) their respective positions in the cadre of the Provincial Executive Service as appearing in the half-yearly Bengal Civil List of January, 1937;

(*iii*) these officers are at first given temporary and officiating appointments, and after a few such temporary appointments are confirmed in such "listed" posts over the heads of many senior members of the Provincial Executive Service; and

(*iv*) the reason why the claims of senior officers are so ignored and junior officers are promoted out of their turn?

(*c*) Is the Government aware—

(*i*) that the promotions of such junior officers have caused and are causing great discontent among the members of the Provincial Executive Service; and

(*ii*) of the effect of such abnormal promotions of junior members, on the Provincial Service as a whole?

(*d*) Will the Hon'ble Minister be pleased to state whether the cases of the officers of the Provincial Executive Service who have been superseded were examined to find out their fitness to hold such "listed" posts?

(*e*) Will the Government consider the desirability of reconsidering the policy of promotion to the "listed" posts from the Provincial Executive Service according to seniority and merit?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) (*i*)—

(1) Khan Bahadur Muhammad Fazlul Karim.

(2) Mr. Srimanta Kumar Das Gupta.

(3) Mr. Hari Charan Bose.

(4) Rai Bijay Bihari Mukharji Bahadur.

(5) Khan Bahadur A. H. M. Abdul Hye.

(6) Khan Bahadur Muhammad Mahmud.

(7) Rai Sarada Prasanna Ghosh Bahadur, I.S.O.

(8) Rai Jamini Prasanna Ray Bahadur.

(*ii*) On the 1st January, 1937, Nos. (1) and (2) had already reti from Government service. Nos. (3) and (4) were already confirmed listed posts as Magistrates and Collectors and were therefore not shc in the grade of Deputy Collectors. Nos. (5), (6) and (7) were just be Nos. (1) and (2) in the selection grade of Deputy Collectors on 1st Ja ary, 1937. No. (8) was No. (75) in the grade of Deputy Collect below the selection grade on 1st January, 1937.

(*iii*) and (*iv*) They are given officiating appointments to and confirmed in listed posts on consideration of merit and seniority and on consideration of seniority only.

(*c*) I am aware that some members of the Executive Branch of Bengal Civil Service have felt some disappointment in the matter promotion to listed posts.

(*d*) Yes.

(*e*) No.

Present Subdivisional Officer of Chuadanga, Nadia.

***308. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon' Minister in charge of the Home (Appointment) Department be plea to state whether Government have received a representation maki certain allegations against the present Subdivisional Officer, Chuadan (Nadia)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon' Minister be pleased to state—

(*i*) what those allegations are; and

(*ii*) what steps have the Government taken in the matter?

(*c*) Is the Hon'ble Minister aware that the said Subdivisional Officer—

(*i*) seized the books of the merchants of Alamdanga;

(*ii*) kept them detained for a long time; and

(*iii*) received money from them?

(*d*) If the answers to (*c*) are in the affirmative, what steps, if any, have the Government taken or do they propose to take to prevent a recurrence of such action?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

(*c*) (*i*) I understand that the Subdivisional Officer was making an enquiry into the alleged extortion committed by some merchants on cartmen and small retail dealers. For the purpose of this enquiry, the Subdivisional Officer took away their books for examination.

(*ii*) No.

(*iii*) The Subdivisional Officer never received money from the merchants.

(*d*) I do not think that any such action is required.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that with Home Department letter No. 4574A, dated the 5th May, 1937, signed by the Registrar an acknowledgment has been made of the complaint referred to in this question? The Hon'ble Minister has just said "No" but his office has acknowleged the letter.

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be so. Perhaps a mistake has been made.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that a copy of the proceedings of No. 6, Union Board, dated the 23rd April, 1937, was forwarded to his department (Chief Secretary) wherein it was stated that (the hon'ble member quoted the letter in Bengali)?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: I submit that you know that over this question there was a good deal of difference of opinion as to its admissibility in the original form. I am helpless in the matter. I did give it in a specific form in the beginning but you ruled that because I gave specific names you would not admit it, so I put it in a general form.

Mr. SPEAKER: If you put supplementary questions, you are entitled to get the information.

Dr. NALINAKSHA SANYAL: But the Hon'ble Minister says that he requires notice.

Mr. SPEAKER: He requires notice because the information required is not readily available and that he will give the reply in due time.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Subdivisional Officer wanted Rs. 200 as the minimum contribution from the merchants of Alamdanga towards the fund started at his instance there for the Coronation ceremony?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that because the merchants could manage to pay Rs. 10 only and not the fabulous sum of Rs. 200 the books were seized and they were harassed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that on the 9th of June after nearly three weeks the books were kept seized, this money—Rs. 100 from one merchant and another Rs. 100 from another merchant—was actually paid to one Sudhindra Nath Acharjee in the presence of the 2nd officer who knew all about it?

Mr. SPEAKER: I do not want to stop you from putting supplementary questions which are relevant to the matter, but I feel that, in view of the detailed allegations that you are making, it is better for you as a member of this Assembly to draw the attention of the Hon'ble Minister and obtain necessary information.

Dr. NALINAKSHA SANYAL: I have already addressed a personal letter to the Hon'ble Minister but I have not got any reply to it.

Mr. SPEAKER: In that case I must allow you to put further supplementary questions.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in regard to the alleged extortion committed on some of the merchants whether there was any complaint before the Subdivisional Officer and, if so, whether he took any judicial notice of it.

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. It is not possible to go into a detailed examination without looking into the papers. I think I have had to answer more than 200 or 300 questions in this session. It is not possible for me to go into all of them in detail and be ready to answer supplementary questions.

Rai HARENDRA NATH CHOUDHURY: But has he answered any question properly?

Mr. SPEAKER: Up to this day about 600 questions have been answered in this session. In view of that you cannot expect the Hon'ble Minister to be ready to answer every supplementary question put to him.

Rai HARENDRA NATH CHOUDHURY: I submit, Sir, that questions which have been answered have been answered in such a bald manner that there has been no answer at all.

Dr. NALINAKSHA SANYAL: In view of the Hon'ble Minister's frank admission that he is not prepared for supplementary questions, will he be prepared to make an investigation into these allegations?

The Hon'ble Khawaja Sir NAZIMUDDIN: I shall look into this matter if the hon'ble member will supply me with details.

Industrial Credit Syndicate, Limited.

*309. **Mr. JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) what are the terms of the agreement that have been entered by Government with the Industrial Credit Syndicate, Limited;

(*ii*) what amount has since been paid to this company by Government;

(*iii*) who are the personnel or what are the concerns that received advances from the above company;

(*iv*) whether Government receive reports of the activities of the company;

(*v*) whether the Government have ever announced to the public the opportunities offered by the company;

(*vi*) whether the Government know if it is a profiting concern;

(*vii*) whether it is a fact that the Managing Agent of the company is the brother of the Director of Industries; and

(*viii*) whether Nawab Sir K. G. M. Faroqui is in any way concerned in the profits of the company or whether there is a proposal of his joining the company in the near future?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*i*) A copy of the agreement is laid on the Library table.

(*ii*) Nothing.

(*iii*) The information is not available. The Industrial Credit Syndicate, Limited, is an ordinary limited liability company, incorporated under the Indian Companies Act, 1913, and the details of its business transactions cannot be made public without the consent of its Directors and shareholders.

(*iv*) Attention is invited to clause 4 of the Agreement.

(*v*) Yes. Press communiques were issued and the company's prospectus published.

(*vi*) The company only commenced business in May this year. No question of reckoning "profit" has yet arisen.

(*vii*) and (*viii*) No.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister sure about laying it on the Library Table? We could not find it there only 5 minutes before the meeting began.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am positive about it.

Dr. NALINAKSHA SANYAL: Is the Government aware that there is a clause in the agreement by virtue of which an amount of liability has devolved on the expenditure from the revenues of this province? Is the Hon'ble Minister aware that there is no law that empowers Government in this respect?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, certainly Government can accept a liability. Government can come into an agreement and can agree that in case of loss they will bear it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there is any enactment enabling Government to provide expenditure out of the revenues of this province on a matter like this? It is not a question of Government executing a contract.

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe the question was put before the old Council, but I am subject to correction. It came up in the form of a resolution and the approval of the legislature was taken on it.

Babu NAGENDRA NATH SEN: What are the reasons which led Government to enter into that sort of agreement with a private company?

The Hon'ble Khwaja Sir NAZIMUDDIN: To encourage industries and to provide for unemployment.

Babu NAGENDRA NATH SEN: Have Government got any control over the affairs of the company?

The Hon'ble Khwaja Sir NAZIMUDDJN: I refer the hon'ble member to the agreement of the company.

Dr. NALINAKSHA SANYAL: With reference to clause 2 of the agreement, may we enquire whether Government keeps any control over the selection of persons to whom the advances of loan are to be granted?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not a matter of special cognisance. That is a matter of contract.

Rai HARENDRA NATH COUDHURY: May I know the date on which the resolution referred to was brought in the old Legislative Council?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I remember this question was brought before the old Legislative Council. I cannot remember the date and I ask for notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it was the intention of Government to finance the new industrial corporation for the development of cottage industries?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the whole object of it. Those industrial concerns that cannot get loans from banks and otherwise will be financed by this Syndicate under certain conditions.

Mr. SURENDRA NATH BISWAS: Is it the intention to promote any new industrial concern by financing it from this bank?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to the prospectus of the company, a copy of which has been laid on the Library Table.

Dr. NALINAKSHA SANYAL: The copy was not there only 5 minutes before the meeting began.

Mr. SPEAKER: But you said just now that it was there.

Dr. NALINAKSHA SANYAL: I said that the agreement was there but not the prospectus.

Mr. SPEAKER: In that case, I shall make an enquiry.

Mr. SIBNATH BANERJEE: Who are the Managing Directors of the industrial enterprise and what is the name of the Director of Industries? Is one of the Managing Directors of the company a brother of the Director of Industries?

The Hon'ble Khwaja Sir NAZIMUDDIN: The acting Director of Industries is Mr. S. C. Mitter. The names of the Managing Directors will be found in the prospectus.

Appointment of scheduled castes in the Department of Industries and the Industrial Research Laboratory.

***310. Mr. DHANANJOY ROY:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing for the last 5 years—

(*i*) the number of scheduled castes appointed in the Industries Department and the Industrial Research Laboratories; and

(*ii*) the number of scheduled castes appointed in the Bengal Public Health Laboratory, and in the Laboratories in the Agriculture Department of the Government of Bengal at Dacca and Chinsura?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The information necessary to answer the question is being collected and will be sent to the member as soon as it is complete.

Mr. MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state how long he will take to get this information?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot tell you how long it will take.

Female waiting room at Kholahati railway station.

***311. Maulvi ABDUL JABBAR:** (*a*) Is the Hon'ble Minister in charge of the Communication and Works Department aware that there is no female waiting room at Kholahati railway station on the Eastern Bengal Railway?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of urging upon the Railway authorities concerned to take steps for the construction of a female waiting room at Kholahati?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) The policy of the Railway Administration is to provide ladies' inter and third class waiting rooms at stations where the volume of traffic exceeds 50,000 passengers per annum. The number of passengers from Kholahati station is at present about 18,000 per annum only.

Dr. NALINAKSHA SANYAL: I should like to raise a point of order again. May we understand from you or from the Hon'ble Minister concerned how far the Hon'ble Minister has jurisdiction over

questions of this nature which refer to a Central Subject and if supplementary questions are asked, whether he is competent to deal with them?

Mr. SPEAKER: If members put questions knowing full well that it is a matter of the Central Government, they know that it is not always possible for the Hon'ble Minister concerned to give a suitable reply. In such cases I have followed the convention that if the matter is of public interest to this province, such questions should be allowed. But I cannot say whether such supplementary questions will be answered. If the House desires that there should be no supplementary questions on a matter of Central responsibility, I may disallow them in future. (VOICES: No; no.)

Babu NAGENDRA NATH SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what is the total number of passengers both ways?

The Hon'ble Maharaja Sir SRIS CHANDRA NANDY, of Kasimbazar: I cannot say off-hand.

Mussalman police officers.

*312. **Mr. MD. ABUL FAZL:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing, separately—

(*i*) the numerical strength of the staff employed in the Intelligence Branch, the Criminal Investigation Department and the Finger Print Bureau of the Bengal Police and of the Special Branch of the Calcutta Police rank by rank; and

(*ii*) the number of Mussalmans in different ranks of these Branches?

(*b*) Will the Hon'ble Minister be pleased further to state—

(*i*) how the vacancy likely to be caused in January next by the retirement of the inspector attached to the Finger Print Bureau is proposed to be filled up; and

(*ii*) what is the reason of absorption of a junior Hindu sub-inspector in the Bureau superseding the claims of senior Mussalman sub-inspectors in the last vacancy in July last?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) (*i*) The vacancy will be filled by the most suitable sub-inspector available.

(*ii*) Such appointments are made on consideration of merit and seniority only.

Statement referred to in the answer to clause (a) of starred question No. 312.

	Sanctioned strength.		Total.	Number of Mussalmans employed.	
	Permanent.	Temporary.		Permanent.	Temporary.
Deputy Inspector-General of Police ..	1	..	1	..	..
Superintendent of Police ..	1	..	1	..	..
Criminal Investigation Department, excluding Finger Print Bureau.					
Deputy Superintendent of Police ..	1	..	1	..	..
Inspectors ..	26	5	31	6	..
Sub-Inspectors ..	9	4	13	1	1
Assistant Sub-Inspectors ..	8	..	8	1	..
Head Constables ..	2	..	2	..	..
Constables ..	33	21	54	13	2
Finger Print Bureau.					
Deputy Superintendent of Police ..	1	..	1	..	..
Inspector ..	1	..	1	..	..
Sub-Inspectors ..	16	4	20	2	2
Intelligence Branch.					
Deputy Superintendents of Police ..	5	5	10	..	..
Inspectors ..	17	12	29	1	1
Sub-Inspectors ..	73	22	95	7	4
Assistant Sub-Inspectors ..	40	7	47	4	1
Head Constables ..	2	21	23	1	8
Watcher Constables ..	46	7	53	6	3
Constables ..	30	283	313	9	33
Special Branch.					
Deputy Commissioners ..	1	1	2	..	..
Assistant Commissioners ..	1	1	2	..	1
Inspectors ..	5	5	10	1	1
Sub-Inspectors ..	11	6	17	2	3
Assistant Sub-Inspectors ..	18	13	31	3	..
Head Constable ..	1	..	1	1	..
Constables ..	59	38	97	21	19

Mr. MAHAMMAD ABUL FAZL: With reference to answer (*a*), which relates to the statement, will the Hon'ble Minister in charge be pleased to state whether he is considering the desirability, in view of the low percentage of Muhammadans in the different branches, the desirability of taking in more Muhammadans?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question of fixing the percentage of appointments by direct recruitment is under consideration. As regards the rest, there is no question of reservation where promotions are concerned.

Steward, Calcutta Medical College.

***313. Mr. SERAJUL ISLAM:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that the post of the Steward of the Calcutta Medical College Hospitals fell vacant lately;

(*ii*) that the said post has been given to an *ex*-Military European; and

(*iii*) that there were more qualified candidates, both Hindus and Muslims, for the post?

(*b*) If the answers to (*a*) (*ii*) and (*iii*) are in the affirmative, what were the reasons for not appointing qualified Indians?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) Yes.

(*ii*) The post has been given to an Anglo-Indian who served in the Indian Defence Force and has experience of catering and has worked as a Steward before.

(*iii*) and (*b*) He was considered by the appointing authority to be the best qualified of the candidates who applied for the post.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state who is the appointing authority for this post?

The Hon'ble Maulvi SYED NAUSHER ALI: The Superintendent of the Medical College Hospitals.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state what is the criterion which placed this gentleman above the rest of the candidates in the matter of this appointment?

Mr. SPEAKER: Order, order. That question does not arise.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister kindly state whether any Bengali has ever been appointed to this post?

The Hon'ble Maulvi SYED NAUSHER ALI: This question has already been answered, Sir, in this House. Since the creation of this post, no Bengali has yet been appointed to it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is a fact that persons who are dying are allowed to quicken the process of death when there is a shortage of dead bodies for practical and dissection work?

The Hon'ble Khwaja Sir NAZIMUDDIN: I protest, Sir, most strongly against this serious allegation.

Mr. SPEAKER: I did not hear Dr. Sanyal's question with attention. Will he kindly repeat it?

Dr. NALINAKSHA SANYAL: I will repeat it in proper time, as I am afraid it does not relate to this question but to the next one.

Mr. SPEAKER: That is why I was wondering as to how Dr. Sanyal's supplementary question could arise out of this question.

Disposal of unclaimed dead bodies of Hindus.

***314. Mr. NARENDRA NATH DAS GUPTA:** (*a*) With reference to the reply given to clauses (*a*) and (*b*) of unstarred question No. 7, dated the 11th November, 1936, will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether such a conference was held?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the decision arrived at in the conference?

(*c*) Is it a fact that the representatives of the Hindus objected to dead bodies of men and women of their community only being subjected to dissection?

(*d*) Have the Government communicated the views of the Hindu leaders to other communities specially the community which was absent from the conference? If not, why not?

(*e*) Will the Hon'ble Minister consider the desirability of passing orders against the dissection of unclaimed Hindu dead bodies in all Medical Schools and Colleges?

(*f*) Is the Hon'ble Minister aware that there is a strong feeling of resentment among the Hindus against the prevailing method of disposal

of unclaimed dead bodies of Hindus dying in the hospitals of Calcutta and at the failure of the Government to redress their grievances in this respect?

(*g*) Will the Hon'ble Minister be pleased to state when the Government propose to take a final action in this matter (especially in view of the fact that the matter has been under their consideration for about four years)?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Yes.

(*b*) No decision was arrived at.

(*c*) Yes.

(*d*) No, as it is proposed to convene another conference of representatives of all the communities concerned.

(*e*) and (*g*) The matter is under consideration. Final decision cannot be reached until after the conference referred to in answer to question (*d*) has been held.

(*f*) Complaints have been made to Government against the use of unclaimed Hindu dead bodies for dissection purposes and it was primarily with a view to arriving at an agreed settlement on this vexed question that Government convened the conference referred to by the hon'ble member in clause (*a*) above.

Mr. SPEAKER: I think it will be convenient if supplementary questions are put after the replies to questions Nos. 314 and 315 are read out, as both of them deal with kindred matters.

Disposal of dead bodies in the Calcutta hospitals.

*315. **Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state how dead bodies in the Calcutta hospitals are disposed of?

(*b*) Is it a fact that only Hindu dead bodies are given for dissection to the various medical schools and colleges?

(*c*) Is it a fact that Christian dead bodies are given over to the Christian community with certain fee per body for its due burial?

(*d*) Is it a fact that Moslem dead bodies are given over to the Moslem community for burial with a certain amount of fee per body?

(*e*) Is it a fact that the Hindu dead bodies are not made over to any one and that no fee is paid for the disposal of Hindu bodies?

(*f*) Is it a fact that a Conference of the representatives of the different communities was called in 1936 by the then Hon'ble Minister and that the said Conference was attended to by all the communities except the Moslem community?

(*g*) If the answer to clause (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state what is the result of the said Conference?

(*h*) Is the Hon'ble Minister aware that it is repugnant to the feelings and sentiments of the Hindus and their *shastras* if their dead bodies are touched by others outside the Hindu community?

(*i*) Is the Hon'ble Minister also aware that a feeling of resentment prevails amongst the Hindu community for this apathy of the authorities in the matter of the disposal of Hindu bodies?

(*j*) Do the Government consider the desirability of making equitable rules for the disposal of dead bodies of all communities?

(*k*) Do the Government consider the desirability of making over Hindu dead bodies for disposal to the Hindu Satkar Samity and pay the necessary fees for cremation?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Under rule 38A(*4*) of the Manual of Rules for the Management of hospitals and dispensaries under Government control, unclaimed dead bodies of patients are disposed of under local arrangements. The unclaimed dead bodies of Muhammadan patients are made over to a Muhammadan Association for burial. The unclaimed dead bodies of Christian patients are sent for pauper burial through the undertakers. The unclaimed dead bodies of Gurkha patients used to be made over to the Gurkha Stri Dukh Sudharak Samaj but the Association is reported to be no longer in existence.

(*b*) Yes.

(*c*) The unclaimed dead bodies are sent for pauper burial through the undertakers. The cost of burial of these bodies, so far as the Medical College Hospitals and the Campbell Hospital are concerned, is borne by Government.

(*d*) No.

(*e*) and (*k*) Unclaimed dead bodies of Hindu patients are either made over to the Hindu Satkar Samity or cremated through the agency of the Calcutta Corporation. A certain number of them is also utilised for purposes of dissection and practical surgery. Government are not prepared to undertake liability for payment of fees for the disposal of any such bodies.

(*f*) and (*g*) Yes. No final decision was reached.

(*h*) I am afraid it is a matter of opinion.

(*i*) Complaints have been made to Government against the use of unclaimed Hindu dead bodies for dissection purposes and it was primarily with a view to arriving at an agreed settlement on this vexed question that Government convened the Conference referred to by the hon'ble member in question (*f*) above.

(*j*) I propose to convene a representative Conference as early as possible with a view to reaching an arrangement agreed to by all the communities concerned. In this connection I may point out that if it is not possible to retain a certain number of unclaimed bodies for purposes of dissection and practical surgery, instruction in anatomy, pathology, and operative surgery will necessarily come to a standstill, rendering it quite impossible to impart satisfactory medical education in these branches.

Dr. NALINAKSHA SANYAL: May I now, Sir, repeat my supplementary question?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in some cases Hindu patients who are on the point of dying are allowed to hasten the process of death when the boys of the College have not got a sufficient number of dead bodies for dissection purposes?

Mr. SPEAKER: I am sorry, Dr. Sanyal, your supplementary question amounts to an abuse of the right of putting supplementary questions. So, I disallow it.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister please state, with reference to answer (*b*) of question No. 314, why no decision was arrived at?

The Hon'ble Maulvi SYED NAUSHER ALI: Sir, all I can see from the proceedings and papers is that no decision was arrived at. Certain discussions were held and certain opinions were expressed by the gentlemen present. I might add that representatives of certain communities were not present, and consequently it was not possible for Government to come to a proper decision. That is my personal opinion, but it is after all a matter of inference.

Rai HARENDRA NATH CHOUDHURY: Will the Hon'ble Minister be pleased to state if it is a fact that other communities were

not represented at the conference, then what is the ground for supposing that if another conference is held, as is referred to answer (*d*), those communities will be represented at the conference?

The Hon'ble Maulvi SYED NAUSHER ALI: It is expected that they will be present.

Rai HARENDRA NATH CHOUDHURY: With reference to answer (*f*) of question No. 314, where it is said that it was primarily with a view to arriving at an agreed settlement, etc., etc., will the Hon'ble Minister be pleased to state, if there had been no agreed settlement, then what grounds there are for supposing that another conference will facilitate an agreed settlement being come to?

Mr. SPEAKER: Well, man lives in hope!

The Hon'ble Maulvi SYED NAUSHER ALI: We expect to have better results next time, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether for dissection purposes only Hindu dead bodies are used and why no Muhammadan dead bodies are allowed to be utilized, as I do not find any mention of Muhammadan dead bodies in the answer? (Cries of "Too communal!") Will he further state whether Muhammadan students practise dissection on Hindu dead bodies and no Muhammadan dead bodies are permitted to be used for the purpose? Is there no proportional representation in this case?

Mr. SPEAKER: Order, order. I think Dr. Sanyal might leave the dead bodies alone in their peace and repose.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if Muhammadan dead bodies ever remain unclaimed?

Mr. SPEAKER: Order, order. That question does not arise.

I will now pass on to the next question as there is still a huge list to go through and there are only 4 minutes to dispose of them.

SHORT-NOTICE STARRED QUESTIONS AND ANSWERS.

Cases of sales stayed under orders of Debt Settlement Boards.

*315A. **Maulvi MUHAMMAD ISRAIL:** (*a*) Has the attention of the Hon'ble Minister in charge of the Co-operative, Credit and Rural Indebtedness Department been drawn to the decision reported in page 1307 of the 41 C.W.N.?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action is being taken in respect to those cases where sales have been stayed under the orders of the Debt Settlement Boards?

(*c*) Do the Government contemplate any steps, legislative or otherwise, to be taken in this matter?

MINISTER in charge of CO-OPERATIVE, CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Yes.

(*b*) The matter is entirely within the discretion of the Civil Court concerned and Government cannot issue any orders in this behalf.

(*c*) No Legislative measures are contemplated with regard to these cases, and Government have no authority to take any executive action.

Deputy Superintendent, Dacca Medical School.

***315B. Mrs. HEMAPROVA MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of Public Health and Local Self-Government Department be pleased to state whether the District Magistrate of Dacca, has submitted his report on the enquiry into the allegations of the girl students of the Dacca Medical School against the Deputy Superintendent of the said School?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are the findings of the District Magistrate;

(*ii*) whether his report will be published; and

(*iii*) if so, when?

(*c*) Will the Hon'ble Minister be pleased to state from when and for how many years has the said Superintendent been holding the post in the Dacca Medical School?

(*d*) Is it a fact that his transfer has been overdue?

(*e*) Has the Hon'ble Minister considered the desirability of transferring him from the Dacca Medical School in view of the situation arising of the complaints against him?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) No.

(*b*) Does not arise.

(*c*) Since 11th October 1930.

(*d*) No. He has been granted three years' extension of tenure from 11th October 1935.

(*e*) No, as the matter of the complaint is still under inquiry and his tenure has one year more to run.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister——

Mr. SPEAKER: Order, order. There are two very important short-notice questions on the Andamans' prisoners, and I am anxious that the Home Minister should be able to answer them to-day within the allotted time.

Maulvi Abdul Latif Biswas will first put his question, and then Rai Harendra Nath Choudhury.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether this Provincial Government has recommended the repatriation of any terrorist convicts since the termination of the hunger-strike in the Andamans?

The Hon'ble Khwaja Sir NAZIMUDDIN: Let me answer Maulvi Abdul Latif Biswas's question first.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes. Government have accepted the principle of repatriation and thirty-four terrorist convicts arrived from the Andamans Islands on the 25th September.

Dr. NALINAKSHA SANYAL: May I draw the attention of the Hon'ble the Home Minister that the question was whether the Government of Bengal applied for repatriation?

The Hon'ble Khwaja Sir NAZIMUDDIN: This question will be answered in proper course when I come to reply to the question of Rai Harendra Nath Choudhury, but I may say that, without our applying to the Government of India for their repatriation, how could these Andamans prisoners come to India?

Rai NARENDRA NATH CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact that the Government of Bengal has applied for the repatriation of only 35 Andamans prisoners?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what are the reasons for their not applying for the repatriation of all the Andamans prisoners belonging to this province?

(*c*) Is the Hon'ble Minister aware of the answer given by the Home Secretary of the Government of India in reply to an interpellation of Mr. Satyamurti regarding the repatriation of the Andamans prisoners that while other provincial Governments have asked for the repatriation of all their Andamans prisoners the Government of Bengal have not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The attention of the hon'ble member is invited to the reply which I have just given to the question asked by Maulvi Abdul Latif Biswas.

(*b*) I propose to explain the general position to leaders of groups in the legislature at the conference which is to be held to-morrow.

(*c*) No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the personnel of the conference that he proposes for to-morrow? (Maulvi ABDUL LATIF BISWAS: That is out in the papers.) Papers we do not recognize here.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got the list of the names with me here, but I can give some of the names from memory. The names have been published in to-day's papers.

Rai HARENDRA NATH CHOUDHURY: A supplementary question, Sir. My question (*c*) was to the effect whether the Hon'ble the Home Minister is aware of the reply given by the Home Secretary to the Government of India to the interpellation of Mr. Satyamurti and he says that he is not aware. Surely, he must have seen this reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I am not aware. I have not seen it.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the list of members that are going to meet to-morrow at the proposed conference, there appear names of persons who are certainly not recognized in this House as leaders of parties——

Mr. SPEAKER: Order, order. So far as the question of personnel is concerned, that cannot be the subject-matter of a question which in essence is the question of repatriation only.

Dr. NALINAKSHA SANYAL: But he has stated that a conference is going to be held.

Mr. SPEAKER: He might have, but it is not open in this question to put a question on the question of personnel. You can put a further question if you like, and, incidentally, I might inform Dr. Sanyal that both the agreement and the prospectus of the Industrial Credit Syndicate, Limited, were placed on the Library Table.

Dr. NALINAKSHA SANYAL: May I now draw your attention, Sir, to the fact that these papers might have been placed there after we had left? I submit—and I submit with knowledge—that the usual practice of putting papers on the Library Table half an hour before the sitting was not complied with to-day. I am prepared to prove it with the help of the members of this House, and the clerk of your department who also admitted that he could not get it in time from the department concerned; and it was placed there only 5 minutes before the time.

Mr. SPEAKER: I am only referring to a statement of facts. You said that a copy of agreement was not there and I immediately sent one of our officers to get it. I am afraid you are assuming too much confidence and your statement does not escape the charge of attribution of motives.

GOVERNMENT BILL.

Bengal Tenancy (Amendment) Bill.

Mr. SPEAKER: Now we will take up discussion on amendments under clause 23. Before I do that I may say that I find that the Hon'ble Revenue Minister has slightly amended his original draft in view of the statement which I made yesterday. The amendment has been divided into two parts and during the prayer interval I will get the other part cyclostyled and circulated. I would not have admitted it if I had not seen that there are some amendments to the same effect before the House. In view of the wishes of some of the members who have given the amendments, this portion can be taken in the meantime. I will get it circulated immediately after the prayer time.

Another thing—I would like to know the opinion of the House on the enquiry of Dr. Sanyal yesterday as to how long we are going to continue. A good number of members also enquired how long this session was going to continue, as they are very anxious to know where they stand. I do not know what they would do in the matter.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If we co-operate we could finish it to-morrow.

The Hon'ble Khwaja Sir NAZIMUDDIN: If we do not finish to-day, at least the amendment portion, I suggest that we sit after dinner and finish the amendments. Then on the 29th we can go on with the third reading starting from 2 o'clock. It is not an unusual parliamentary practice and it has been done in the old Council once. Most of the members are waiting for the opportunity of speaking at the time of the third reading.

Mr. SPEAKER: I think 3 to 8 will be good enough.

The Hon'ble Khwaja Sir NAZIMUDDIN: Just as you like

Rai HARENDRA NATH CHOUDHURY: It is simply impossible for us to continue after 8 o'clock.

Dr. NALINAKSHA SANYAL: The position so far as this side of the House is concerned must be made clear. We are anxious that meetings of this House do take place sufficiently long and we do not stand in the way of prolonged hours. But this is a Bill which requires very careful study of details and it requires such an amount of application that prolonged sitting is extremely trying both for you and for ourselves. In view of this, we do not think we should sit beyond 8 o'clock.

Mr. SPEAKER: I suggest that in view of the desire of the House that we should finish as soon as possible, every member—I do not enforce it as a rule and I cannot do it—if he wants to speak should confine his speech to five minutes.

Babu NAGENDRA NATH SEN: Mr. Speaker, Sir, my motion wants sub-section 86A(2) to be deleted. My object for moving this motion is that at present there is Regulation XVIII of 1825 which governs the relationship between landlords and tenants so far as alluvion and diluvion are concerned. It allows the tenant's right to hold the tenantry after its reappearance whether it reappears after 2 years, 20 years or 200 years. The law of the land is very clear on the point that once the land is in existence but disappears later on and reappears afterwards, it is the property of the person who holds it irrespective of any question of limitation. This proposed section 86A(2) wants to make the limitation 20 years thus "notwithstanding anything contained in this Act or in any other law, if such lands or a portion thereof reappear within twenty years of the loss by diluvion, the tenant shall have the right to have his tenancy..... No reason and no logic can be found for divesting the tenants of the right which he possessed. There of its future possession. There should not be any law depriving the tenants of this right to hold this land after reappearance. Under the law of Regulation XVIII of 1825 when a land is lost by diluvion and afterwards reappears, the tenants could not be called upon to pay arrears of rent or interest for any of the years during which the land was submerged. When the land is submerged under this rule the landlord could not claim any rent from the tenant, because the land is not in use is no reason why after a lapse of 20 years the tenant should be deprived and the tenant is not in occupation of the land. In the proposed subsection it has been provided that the tenant will have to pay the arrears of rent, without interest, in respect of the land which has reappeared

for the period during which it was wholly lost. The tenant has had no use of the land during the period it was submerged, and there is no reason why the tenant should be asked to pay rent for the land during the period it was submerged.

Then, Sir, if this amendment is accepted, the last 5 lines of clause (*1*) of section 86A disappears automatically and there is a motion about the abolition of this portion which has been accepted by the Hon'ble Minister. So the net result of it will be that while in section 86A(*1*) the law is clarified by saying that if the lands of a tenure or holding or a portion of such lands are wholly lost by diluvion, "the rate of rent of the tenure or holding shall be abated, etc." Now, Sir, this is a very salutory provision. But the proposed sub-section 86A(*2*) is wholly against the interest of the tenants. It penalises the tenants by compelling him to pay rent for the land which has been lost by diluvion and which he would not make use of. There is no reason why the law which was enunciated in 1825 should now be changed for the inconvenience of the tenants. The law of 1825 is a very salutory law, and it is very equitable both for the landlord and for the tenant. The simple principle of that law is—when there is diluvion you do not pay and when the land reappears you pay from the date of reappearance. But the proposed sub-section 86(*2*)(*a*) deprives the tenants of that valued right. Therefore, I submit before this House that my amendment which also stands in the name of Mr. Abdul Bari should be accepted.

The House was then adjourned for 15 minutes.

(*After adjournment.*)

Maulvi ABDUL BARI: May I enquire if amendment No. 1073 was moved yesterday?

Mr. SPEAKER: It was not moved.

Maulvi ABDUL BARI: May I have the permission to move it?

Mr. SPEAKER: I am sorry I cannot allow it. If once I create a precedent, it will be very difficult to get along.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in reply to what has been said by Mr. Nagendra Nath Sen, I just want to point out to him that it is not a fact that Regulation of 1825 gave the right to the tenant to reoccupy the land without any payment of rent. In fact, that Regulation refers only to accretion and not to reformation *in situ* which is the proposal in this Bill. I would refer him to sub-clause (*3*) of my Bill. That is exactly the same as section 3 of that

regulation referred to by the honourable member. So the whole argument is fallacious and misleading. With these few words I oppose the amendment.

Maulvi ABDUL BARI: Sir, may I move a short-notice amendment?

Mr. SPEAKER: I am very sorry; it is too late and I have been flooded with short-notice amendments.

Maulvi ABDUL BARI: My idea is that so far as sub-clause (2) is concerned, it is trying to take away the rights of the tenants. Up till now the tenants have got an unlimited right to occupy the land after its reappearance. That right is going to be restricted by putting this clause here.

Mr. SPEAKER: I am sorry; I have closed the debate. Nobody rose up immediately after Mr. Nagendra Nath Sen.

Mr. RASIK LAL BISWAS: I rose up but as Mr. Abdul Bari was speaking I had to sit down.

Rai HARENDRA NATH CHAUDHURI: We do not know, Sir, the Hon'ble Minister's mind. He has not replied to other amendments. Why should not an opportunity be given to us?

Mr. SPEAKER: That is the point which I was just considering.

Mr. DHIRENDRA NATH DATTA: I beg to move that in clause 23, in sub-section (2) (*a*) of section 86A, line 3, for the word "twenty" the word "thirty" shall be substituted.

My amendment is this: The proposed clause 23 (2) (*a*) is that "Notwithstanding anything contained in this Act or in any other law, if such lands or a portion thereof reappear within twenty years of the loss by diluvion, the tenant shall have the right to have his tenancy thereof revived and to be restored to possession on payment of the arrears of rent, without interest, in respect of the land which has reappeared for the period during which it was wholly lost or for five years, whichever is less."

My amendment is that the period should be extended to thirty years. My reason for moving this amendment is this. If you refer to section 86A of the Bengal Tenancy Act as it was before, if you refer to sub-section (2), it lays down that "Nothing in this section shall prevent the accrual of rights under the operation of any other enactment in any portion of the lands of a tenure or holding which have been lost by

diluvion, if such lands thereafter reappear as an accretion thereto." My point is this that sub-section (2) gave a certain right that if the lands reappear at any time the tenants had the right of accretion, but that right has been taken away by the proposed sub-section (2) (*a*) of section 86A. I want the period of twenty years to be extended to thirty years. So I hope if you want to give relief to the tenant, you all should give unstinted support to this amendment.

Maulvi ABDUL BARI: Sir, so far as section 86A of the present Act is concerned, it says that so long as a land remains diluviated the tenant will have to pay rent and on the reappearance of the land the tenant will have the right to re-occupy the land whatever may be the length of period the land might have remained under water. It may be, Sir, that a certain part of the land remains under water for more than 30 or 40 years, and if the tenant continues to pay rent for the period of diluvion he will have the right after that period to occupy the land—whatever the period, 30 or 40 years it may be. So far as the present clause is concerned, it restricts that right of reoccupation, with of course the variation that the tenant will not be required to pay any rent for the period the land remained diluviated, but his right is restricted to the extent that after the period of 30 or 40 years he will not be permitted to go upon that land. That shows that the amendment is going back upon the existing Act itself; it also shows that the same right that was vested in the tenant heretofore is going to be taken away from him. Therefore, I would appeal to the Hon'ble Revenue Minister to consider whether sub-clause (2) of clause 23 should be withdrawn or not, and I would also appeal to him just to see whether he is going to make legislation in such a way as to give some rights to the tenants. Whether he will be justified in taking away the right that already exists is a matter for serious consideration. Of course so far as the amendment of my friend Mr. Abdul Latif Biswas is concerned, it gives the tenant a right to occupy the land after the expiry of 30 years; but there might be contingencies particularly in the case of lands which may remain diluviated for 40 or 50 years before reappearance. But in that case the tenants will not have the right to reoccupy the land on payment of 4 years' rent. Therefore, that is a restriction on the right of the tenant. In this view of the matter, I think the deletion of sub-clause (2) of clause 23 is advisable; and I submit that amendments Nos. 1083 and 1084 which stand in the name of Mr. Nagendra Nath Sen and myself should in all fairness be accepted.

Mr. SPEAKER: From that point of view I think the original Government draft was much better than the draft presented now. The original draft runs as follows: "Notwithstanding anything contained in this Act or in any other law, if such lands or a portion thereof

reappear within twenty years of the loss by diluvion, the tenant sha have the right to have his tenancy thereof revived....." But Mr. Bari takes the responsibility of moving the deletion of that clau and substitute another in its place, he may do so.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I may point o that as a matter of fact we are not taking away any right.

Maulvi ABDUL BARI: I am afraid he is.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I just dra his attention to sub-clause (*3*) of the Bill clause. This is practical the same as sub-clause (*3*) of section 86A.

Maulvi ABDUL BARI: May I submit, Sir, that the interpretatic given by the Hon'ble Minister to sub-clause (*3*) is not correct——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He need not g impatient; let me finish first.

Sub-clause (*3*) provides the safeguards which my honourable frien wants to insert. This is practically sub-section (*2*) of section 87A.

Maulvi ABDUL BARI: Sub-clause (*3*) says "Except as provide in this section, nothing shall prevent the accrual of rights under th operation of any other enactment in any portion of the lands of tenure or holding which have been lost by diluvion, if such lands there after reappear as an accretion thereto."

"Any other enactment" does not mean the Bengal Tenancy Act.

Mr. SPEAKER: This covers the Alluvion and Diluvion Act.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What is th language?

Maulvi ABDUL BARI: That relates only to reformation *in situ* It does not deal with the limitation of time regarding the occupatio of that land by the tenant. Therefore, it does not affect the provisio of the Bengal Tenancy Act.

Babu NAGENDRA NATH SEN: If he says that sub-section (*2*) as it stands, is the same as sub-clause (*3*), then why not retain the ol sub-section (*2*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I read out the two sections, Sir? The old sub-section (*2*) of section 86A says:

> "Nothing in this section shall prevent the accrual of rights under the operation of any other enactment in any portion of the lands of a tenure or holding which have been lost by diluvion, if such lands thereafter reappear as an accretion thereto."

and sub-clause (*3*) says:

> "Except as provided in this section, nothing shall prevent the accrual of rights under the opeartion of any other enactment in any portion of the lands of a tenure or holding which have been lost by diluvion, if such lands thereafter reappear as an accretion thereto."

Now what is the distinction?

Mr. DHIRENDRA NATH DATTA: Sub-clause (*3*) takes away the right.

Maulvi TAMIZUDDIN KHAN: On a point of order, Sir. I am sorry that the Hon'ble Minister does not see the difference between sub-clause (*3*) and the old sub-section (*2*) of section 86A of the Bengal Tenancy Act. The important words "except as provided" in the sub-clause are not to be found in sub-section (*2*). When he introduces these words he prevents the tenants from securing or getting the land, if the land comes as an accretion after a period of twenty years when all right is lost. If he actually wants not to take away the right, then he should be prepared to delete these words "except as provided."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the omission of these words will satisfy my friends, Government are certainly prepared to accept the suggestion.

Sir, I beg to move that the words "except as provided" in sub-clause (*3*) of clause 23 may be omitted.

The amendment moved by Maharaja Sashi Kanta Acharyya Choudhury that clause 23 be deleted, was put and lost.

Mr. SPEAKER: I understand the Hon'ble Minister has accepted amendment Nos. 1067-1070.

The motion of Mr. Abdulla-al Mahmood, Maulvi Abdul Hafiz, Maulvi Abdul Bari and Maulvi Ahmed Ali Mridha that in clause 23 in sub-section (*1*) of the proposed section 86A, line 2, the word "wholly" be omitted, was put and agreed to.

Mr. SPEAKER: Amendment 1116 did not arise.

The following amendment was then put and agreed to:—

That in clause 23 in sub-section (*1*) of the proposed section 86 lines 8 to 12, the words "and subject to the provisions of sub-sect (*2*) the tenant shall, unless there is a contract to the country made registered instrument, be deemed to have surrendered his rights in t lands which have been so lost, and his tenancy any rights therein sh be extinguished" be omitted.

Mr. SPEAKER: Amendment No. 1078 does not arise.

I will now put amendment No. 1085 moved by Abdul La Biswas, which runs as follows:—

That in clause 23 in the proposed section 86A for sub-section ((*a*) the following be substituted, namely:—

"(*2*) (*a*) Notwithstanding anything contained in this Act or an other law or any contract to the contrary, the right, title and intere of the tenant or his successors-in-interest shall subsist in such lan or portion thereof during the period of loss by diluvion not exceedin twenty years and the tenant or his successors-in-interest shall hav right to immediate possession on the reappearance of such lands o portion thereof within twenty years of the loss by diluvion, and th landlord shall have right to the arrears of rent without interest o damage in respect of the land which has reappeared for the perio during which it was lost or for four years which ever is less".

Maulvi ABDUL BARI: May I submit, Sir, that there is a motio moved by Mr. Dhirendra Nath Datta (No. 1093) regarding 30 year which I think should be put first.

Mr. DHIRENDRA NATH DATTA: Sir, I moved my amendmen No. 1093.

Mr. SPEAKER: As a matter of fact, I took it that as a matter o agreed settlement between the Hon'ble Minister and Maulvi Abdu Latif Biswas. Your original motion was to change "20" to "30".

Rai HARENDRA NATH CHAUDHURI: Sir, should not the motion moved by Mr. Dhirendra Nath Datta be put first and the motion for substitution be put after that?

The motion of Mr. Dhirendra Nath Datta "that in clause 23, in sub-section (2) (a) of section 86A, line 3, for the word 'twenty' the word 'thirty' shall be substituted," was put and a division taken with the following result:—

AYES.

Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Sibnath.
Bannerjee, Mr. Manoranjan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lal.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Muhammad Israil, Maulvi.
Mukharjee, Dr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmad, Mr.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz Mia, Mr.
Abdul Hakeam, Mr.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jobbar Palwan, Maulvi Md.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood., Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Raut, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Hosain, Mr.
Alfazuddin Ahmad, Khan Bahadur.
Aminullah, Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barma, Babu Pramhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Gammeter, Mr. E. O
Golam Sarwar Hosini, Mr. Shah Syed.

Griffiths, Mr. C.
Gurung, Mr. Dambar Singh.
Hafizuddin Chowdhury, Maulvi.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Mafizuddin Ahmed, Dr.
Mafizuddin Choduhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal, Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslam Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Mauvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaqua, Maulvi.
Muhammed Siddique, Dr. Syed.
Muhammad Solaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf, Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswal Haqua, Mr. Syed.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Naushor Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razeur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsul Huda, Maulana.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Total Ahmed Choudhury, Maulvi Haji.
Wahur Rahman, Maulvi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.

The Ayes being 57 and Noes 113, the motion was lost.

The motion of Maulvi Abdul Latif Biswas that in clause 23 in the proposed section 86A for sub-section (2) (*a*) the following be substituted, namely:—

"(2) (*a*) Notwithstanding anything contained in this Act or any other law or any contract to the contrary, the right, title and interest of the tenant or his successors-in-interest shall subsist in such lands or portion thereof during the period of loss by diluvion not exceeding twenty years and the tenant or his successors-in-interest shall have right to immediate possession on the reappearance of such lands or portion thereof within twenty years of the loss by the diluvion, and the landlord shall have right to the arrears of rent without interest or damage in respect of the land which has reappeared for the period during which it was lost or for four years, whichever is less", was put and agreed to.

Mr. SPEAKER: In view of amendment No. 1085 being carried, amendments Nos. 1100, 1083, 1111, 1119, and 1106 do not arise, but amendment No. 1144A remains, because that is an addition to the proviso.

The motion of Rai Bahadur Jogesh Chandra Sen that in clause 23 after proposed section 86A (2) (*a*) the following proviso be added, namely:—

"Provided that the tenant shall have no right to have his tenancy revised if the claim therefor has not been made in writing before his landlord within three months after the reappearance of the land and if the reformed land has, in the meantime, been settled with any other person", was put and lost.

Mr. SPEAKER: The next amendment is No. 1147. It has been moved by Mr. Abdul Hakeem.

Babu NAGENDRA NATH SEN: On a point of order, Sir. After the amendment of Maulvi Abdul Latif Biswas being carried, how can this amendment arise?

Mr. SPEAKER: Maulvi Abdul Latif Biswas's amendment relates to section 86A (2) (*a*), whereas this amendment relates to 86A (2) (*b*).

The motion of Mr. Abdul Hakum that in clause 23 in the proposed section 86A (2) (*b*) in line 2 the words "both of the arrears" be omitted, was put and lost.

The motion moved by Rai Bahadur Jogesh Chandra Sen that in clause 23 in proposed section 86A (2) (*b*) in line 7 after the word "resumed" for the comma, a colon be substituted and in lines 7 to 9 the words beginning with "and shall bear" and ending with "of the tenancy" be omitted, was put and lost.

Mr. SPEAKER: That disposes of amendment No. 1147A. The next amendment is No. 1148A moved by Rai Jogesh Chandra Sen Bahadur.

The motion moved by Maulvi Abdul Hafiz that in clause 23 in the proviso to proposed section 86A (2) (*b*) the word "wholly," wherever it occurs, be omitted, was put and agreed to.

Mr. SPEAKER: Mr. Mridha, your amendment does not arise, because one part of it has been lost.

The following motion of Rai Bahadur Jogesh Chandra Sen was pu and lost:—

That in clause 23, for the proviso to proposed section 86A (*2*) (*b*) th following be substituted, namely:—

"Provided that in cases where the entire tenure or holding has bee wholly lost by diluvion, the rate of rent of the portion that is reforme shall be calculated at the rate of rent prevailing in the vicinity for th lands of raiyati holdings."

The motion of Maulvi Ahmed Ali Mridha that in clause 23, sub-sec tion (*3*) of section 86A be omitted, was put and lost.

Mr. SPEAKER: I think that disposes of all the amendments excepting the one that has been moved by the Hon'ble Sir Bijoy Prasad Singh Roy, which I shall put now to the vote.

The question that the words "except as provided in this section" in sub-clause (*3*) of clause 23 be deleted, was put and agreed to.

Mr. SURENDRA NATH BISWAS: On a point of order, Sir. May I draw your attention to one thing? Sir, if you read the proviso, you will find that the word "entire" appears before the words "tenure or holding." As the word "entire" is there, is not the word "wholly" redundant?

Mr. SPEAKER: But that has been carried.

The question that clause 23, as amended, stands part of the Bill was put and agreed to.

Clause 24.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY of Muktagacha, Mymensingh: Sir, I beg to move that clause 24 be omitted.

There is no reason, Sir, why the jurisdiction of the civil courts should be taken away and supplanted by the Revenue Officer. Have the civil courts been found wanting or incapable of deciding cases of the nature provided in this section?

Maulvi ABDUL HAKIM: Sir, I beg to move that in clause 24 for proposed section 88 the following be substituted:—

"88. A division of tenure or holding or a distribution of rent payable in respect thereof, shall be binding on the landlord or landlords and a co-sharer tenant or tenants if the notice of the division of tenure

or holding or distribution of rent payable in respect thereof be given to the Union Board or Union Committee, as the case may be, in whose jurisdiction the tenure or holding is situate to be served in the prescribed manner upon the landlord or landlords or their common agent and a co-sharer tenant or tenants:

Provided that it shall be competent for the landlord or landlords or the co-sharer tenant or tenants to file an objection to the proper court within one month from the date of service of the notice to the effect that the said division of tenure or holding or the distribution of rent payable in respect thereof, cannot be allowed on the ground that the statement in the notice with regard to the tenure or holding, the amount of rent or the quantity of land is inaccurate and the court concerned shall, after hearing the parties, pass such order with regard to the division of tenure or holding or distribution of rent payable in respect thereof with such modification as it deems fit:

Provided also that if no objection is filed by the landlord or landlords or the common agent or co-sharer tenant or tenants as provided for in the first proviso to this section within one month from the date of service of the said notice, such division of tenure or holding or distribution of rent payable in respect thereof or both, as the case may be, shall be deemed to have been properly made and legally binding upon the parties concerned from the date of such service and shall not be questioned in any court:

Provided further that the notice hereinbefore mentioned shall be given (*a*) in the case of a transfer by sale, gift or bequest to the sub-registrar in whose office the instrument of such transfer is registered as soon as the registration is complete; (*b*) in the case of a transfer by auction sale, held by a court in execution of a decree of a certificate signed under the Bengal Public Demands Recovery Act of 1913 where neither the purchaser nor the decree-holder is the sole landlord, to the court holding such sale as soon as the sale is confirmed; and the sub-registrar or the court, as the case may be, on payment to him or to it by the transferee, of a prescribed process-fee, shall cause the said notice to be served in the prescribed manner upon the landlord or landlords or their common agent or co-sharer tenant or tenants.

Where the number of co-sharer landlords exceed ten, all such co-sharer landlords shall be bound to appoint a common agent for the purposes of section 88 of the Act within six months from the passing of this Act.

One common notice served in the prescribed manner under this section upon such common agent shall be deemed to have been served upon all co-sharer landlords.

Where there are more than ten co-sharer landlords but no common agent is appointed by them, they will be deemed to have notice for the purpose of this section if the notice is published in any paper having sufficient publication."

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 24 for proposed section 88 the following shall be substituted, namely:—

"88. A division of a tenure or holding or a distribution of rent payable in respect thereof, shall be binding on the landlord or landlords and a co-sharer tenant or tenants if the notice of the division of tenure or holding or distribution of rent payable in respect thereof be given to the nearest Union Board or Union Committee as the case may be, to be served in the prescribed manner upon the landlord or landlords or their common agent and a co-sharer tenant or tenants with mutation fee of rupee one to be paid to the landlord or landlords:

Provided that it shall be competent for the landlord or landlords or the co-sharer tenant or tenants to file an objection to the proper court within one month from the date of service of the notice to the effect that the said division of tenure or holding or the distribution of rent payable in respect thereof, cannot be allowed on the ground that the statement in the notice with regard to the tenure or holding, the amount of rent or the quantity of land is inaccurate and the court concerned shall, after hearing the parties, pass such order with regard to the division of tenure or holding or distribution of rent payable in respect thereof with such modification as it deems fit:

Provided also that if no objection is filed by the landlord or landlords or their common agent or co-sharer tenant or tenants as provided for in the first proviso to this section within one month from the date of service of the said notice, such division of tenure or holding or distribution of rent payable in respect thereof or both, as the case may be, shall be deemed to have been properly made and legally binding upon the parties concerned from the date of such service and shall not be questioned in any court:

Provided further that the notice hereinbefore mentioned shall be given (*a*) in the case of a transfer by sale, or bequest to the sub-registrar in whose office the instrument of such transfer is registered, as soon as the registration is complete; (*b*) in the case of a transfer by auction sale, held by a court in execution of a decree or a certificate signed under the Bengal Public Demands Recovery Act of 1913 where neither the purchaser nor the decree-holder is the sole landlord, to the court holding such sale as soon as the sale is confirmed; and the sub-registrar or the court, as the case may be, on payment to him or to it by the

ransferee, of a prescribed process-fee, shall cause the said notice to be erved in the prescribed manner upon the landlord or landlords or their ommon agent or co-sharer tenant or tenants."

Mr. P. BANERJI: Sir, I beg to move that in clause 24 for proosed section 88 the following section be substituted, namely:—

"88. (*1*) The succession to portion of a tenancy or transfer thereof by sale, gift, exchange or bequest shall have the effect of subdividing the tenancy and the transferred portion shall be deemed to be a separate tenancy the rent of which shall bear the same proportion to he total rent of the original tenancy as the area transferred shall be ts total area:

Provided that there shall be no division of tenancy except with the onsent of the landlord and all the co-sharer tenants if such division esults in creating a tenancy the rent for which shall be below one upee in the case of a holding and two rupees in the case of a tenure:

Provided further that when the landlord or any tenant considers imself aggrieved by a distribution of rent caused by such subdivision of tenancy, the civil court may, on an application made on that behalf by the landlord or the tenant within one year from the date of the ransfer by an order in writing, modify such distribution of rent if it considers it to be unfair and inequitable.

(*2*) Notwithstanding anything contained in the first proviso to subsection (*1*) the civil court may, on an application made on that behalf by the tenant or a co-sharer tenant, direct a subdivision of the tenancy f it considers such subdivision just and convenient."

Mr. MIRZA ABDUL HAFIZ: Sir, I beg to move that in clause 24 for proposed section 88 the following be substituted, namely:—

"88. A division of a tenure or holding or distribution of the rent payable in respect thereof shall be binding on the landlord provided a written notice in respect thereof has been served upon the landlord by the tenant.

If any tenant applies to the civil court for a subdivision of tenancy the court shall on serving notices with required process-fee upon other co-tenants and the landlords make an order for subdivision of the tenancy and the distribution of rent accordingly on direct payment of one rupee on each case to the landlord as mutation fee:

Provided that no order for division or distribution of rent shall be made which would result in bringing the rent for any portion below rupee one in the case of tenures or eight annas in the case of holdings:

Provided further that where the rate of rent is in dispute the court shall decide it before ordering such subdivision."

Mr. RASIK LAL BISWAS: Sir, I beg to move that in clause 24 in proposed section 88(*1*) the words "by both" be omitted.

I also beg to move that in clause 24, proposed section 88(*1*)(*a*) be omitted.

Mr. JOGENDRA NATH MANDAL: Sir, I beg to move that in clause 24 in proposed section 88(*1*) the word "and" at the end of the sub-clause (*a*) and sub-clause (*b*) be omitted.

Mr. RASIK LAL BISWAS: Sir, I beg to move that in clause 24, proviso to proposed section 88(*1*) be omitted.

Babu JATINDRA NATH BASU: Sir, I beg to move that in clause 24, in proposed section 88(*2*), in line 1, after the words "Revenue Officer" the following be inserted, namely:—

"not below the rank of a Subdivisional Officer."

Mr. MANMATHA NATH ROY: Sir, I beg to move that in clause 24, in proposed section 88(*2*), in lines 1 and 2, for the words "A Revenue Officer empowered in this behalf by the Provincial Government" the words "The Civil Court" be substituted and the consequential changes be made in the rest of the section.

Mr. ABDUL WAHAB KHAN: Sir, I beg to move that in clause 24, in proposed section 88(*2*) in lines 1 and 2, for the words "A Revenue Officer empowered in this behalf by the Provincial Government" the words "A civil court having jurisdiction over the tenancy concerned" be substituted.

Mr. ABDUL HAKEEM: Sir, I beg to move that in clause 24, in the proposed section 88(*2*), in lines 2 and 3, the words "with the prescribed fee" be omitted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am prepared to accept this amendment.

Mr. SPEAKER: The question of your acceptance will come later on, and does not arise now.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: All right, Sir.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in clause 24 in proposed section 88(*2*) in lines 5 to 9 the words, figure and bracket "or for the annulment or modification of a previous division

ır distribution other than one made under this sub-section or under an agreement made between all the landlords and co-sharer tenants in conformance with the provisions of sub-section (*1*)" be omitted.

Mr. JOGENDRA NATH MANDAL: Sir, I beg to move that in clause 24 in proposed section 88(*2*) in line 9 for the word "may" the word "shall" be substituted.

Sir, I also beg to move that in clause 24 in proposed section 88(*2*) n lines 11 to 14 the words "or annul or modify a division or distribution previously made other than one of the nature referred to above if ıe considers it unfair and inequitable" shall be omitted.

Sir, I also beg to move that in clause 24, proviso (*b*) to proposed ection 88(*2*) be omitted.

Maulvi ABDUL KARIM: Sir, I beg to move that in clause 24, proviso (*b*)(*i*) to proposed section 88(*2*) be omitted.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that n clause 24 for proviso (*b*)(*i*) to proposed section 88(*2*) the following ıe substituted, namely:—

"(*i*) the creation of tenures or holding less than 20 or 10 bighas, respectively, or".

Mr. SYED MUSTAGASWAL HAQUE: Sir, I beg to move that n clause 24 in proviso (*b*)(*ii*) to proposed section 88(*2*) in lines 2 and 3 for the words "one rupee and eight annas" the words "eight annas" ıe substituted.

Maulvi AULAD HOSSAIN KHAN: Sir, I beg to move that in clause 24 in proviso (*b*)(*ii*) to proposed section 88(*2*) for the words "one rupee and eight annas" the words "one rupee" be substituted.

Mr. ABDUL WAHAB KHAN: Sir, I beg to move that in clause 24 in proviso (*c*) to proposed section 88(*2*) in line 2 for the words "Revenue Officer" the words "Civil Court" be substituted.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg to move that n clause 24 after proviso (*c*) to proposed section 88(*2*) the following ıe added, namely:—

"No such order shall be passed if after proper enquiry as to the condition of the land in the different portions of the holding and the position to which the different contents will be placed on division of the holding or distribution of the rent in respect thereof it is found that any of the portions of the holding so divided will become uneconomic in character and its future letting value will be lowered.

(e) No order for division or distribution will be made if the tenure or holding carries any arrear rent.

(f) No such order shall be passed if it is found in the course of decision of a holding or distribution of rent thereof the balance of the distributed rent will be less than rupees two."

Maulvi WALIUR RAHMAN: Sir, I beg to move that in clause 24 in proposed section 88(*3*) in lines 2 and 3 the words "on payment of the prescribed fee" be omitted.

Mr. ABDUL WAHAB KHAN: Sir, I beg to move that in clause 24 in proposed section 88(*3*) in line 4 for the words "Revenue Officer" the words "Civil Court" be substituted.

Maulvi WALIUR RAHMAN: Sir, I beg to move that in clause 24 the proposed sub-section 88(*4*) be omitted.

Mr. ABDUL WAHAB KHAN: Sir, I beg to move that in clause 24 in proposed section 88(*4*), line 1, for the words "Revenue Officer" the words "Civil Court" be substituted.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that in clause 24 in proposed section 88(*4*) in line 4 for the words "two rupees" the words "one rupee" be substituted.

Kumar SHIB SHEKHARESWAR ROY: Sir, I beg to move that in clause 24 in proposed section 88(*4*) in line 4 for the words "of two rupees as mutation fee" the words "a mutation fee being equal to twice the amount of rent made payable" be substituted.

Mr. SYED ABDUL MAJID: Sir, I beg to move that in clause 24(*4*) of the proposed section 88, in the 4th line, after the word "applicant" the words "or each body of applicants" be inserted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 24 of the proposed section 88(*4*) the following clause be inserted, namely:—

"(*4a*) Every order as referred to in sub-section 4 shall state the date from which the division or distribution shall have effect and the joint and several liability of each co-sharer tenant for arrear of rent, if any, up to that date, shall subsist in all the lands of the entire tenure or holding."

Mr. MANMATHA NATH ROY: Sir, I beg to move that in clause 24 in proposed section 88(*5*) in line 1 the words "to the Collector" be omitted.

Mr. ABDUL WAHAB KHAN: Sir, I beg to move that in clause in proposed section 88(*5*) in line 1 for the word "Collector" the ords "District Judge" be substituted.

Maulvi MUHAMMAD ISRAIL: Sir, I beg to move that in clause in proposed section 88(*5*), in line 1, for the words "the Collector" e words "the ordinary civil appellate court" be substituted.

Mr. ABDUL WAHAB KHAN: Sir, I beg to move that in clause in proposed section 88(*5*) in line 2 for the words "Revenue Officer", e words "civil court" be substituted.

Babu NAGENDRA NATH SEN: Sir, I beg to move that in clause after proposed section 88, the following provisos be added, namely:—

"Provided always that before any order of subdivision of the tenure holding or distribution of rents is made the tenant should be made satisfy all claims of the landlord in respect of rent, cess and interest oth sued and unsued) remaining unsatisfied with respect to the tenure holding at the date of the order:

Provided also that such an order of subdivision of the tenure or olding or distribution of rents shall have no retrospective effect and e tenure or holding shall continue to remain a first charge under the ovisions of section 65 of this Act for any rents, cess or interest maining unpaid at the date of any order under this section:

Provided that no such order of subdivision of a tenancy or distribution of rents shall be made until the landlord's claim of rent, cess nd interest due on account of the share of the tenant in the tenancy as been satisfied. On the passing of an order under this section the ndlord's claim for rent, cess and interest on the remainder of the enancy shall be a first charge on the remainder of the tenancy and if decree for rent has already been passed the balance of the decretal mount remaining unpaid at such date such dues shall be realisable nder the provisions of Chapter XIV of the Act in execution of the ecree."

Mr. ABDULLA-AL MAHMOOD: Sir, I beg to move that in clause 4 after sub-section (*5*) of the proposed section 88 the following be dded, viz.:—

"(*6*) This provision of this section shall apply to all cases of tenure, olding or portion of a holding, before or after the passing of the engal Tenancy Amendment Act, 1937."

Mr. SPEAKER: Will members please note that the following amendments have been moved:—

1153, 1161, 1176, 1183, 1188, 1190, 1192, 1194, 1199, 1206, 1210, 1217, 1219, 1222, 1228, 1232, 1233, 1240, 1254, 1264, 1285, 1289, 1297, 1300, 1306, 1311, 1319, 1330, 1333, 1334, 1338, 1340, 1341, 1345, 1357 and 1358.

Discussions on motions moved by respective members were then opened.

Kumar SHIB SHEKHARESWAR ROY: Sir, separation of accounts is a boon to the tenants. It absolves them from joint liability. On the other hand it makes the realisation of rent difficult for the zemindars. He will have to approach individually instead of one of the several co-sharers of the holding. This means additional cost for collection and maintenance of records, and if he has to go to the courts, his non-realisable out-of-court expenses also will go up. Considering the advantages of the tenant and disadvantages of the landlord, it is only fair that a decent mutation fee should be paid to the landlord on the occasion of the division of one *jama* into several separate *jamas*. We must not forget that prior to 1928 a *jama* could not be broken up into several *jamas* without the express consent of the landlord. This right to claim separation of *jama* was given to the tenants in 1928 and taking all facts into consideration the legislature then provided for a fee equal to twice the amount of rent which I now propose to retain. Sir, I have not heard any reasons why the Government want to reduce the amount to only Rs. 2. So I cannot meet their argument, but so far as it appears to me that save and except the will of the majority, no other reason has been or is likely to be put forward to reduce the fees. I commend my amendment for the acceptance of the House.

Mr. NIKUNJA BEHARI MAITI: On a point of information, Sir. On clause 1, can I give short-notice amendment?

Mr. SPEAKER: You can, and I will consider whether I accept it or not.

Mr. MANMATHA NATH ROY: Sir, I have already moved my motion. I will now be brief in my speech in support of it. Sir, under the present Act—I mean the Act of 1928—it is the civil court which decides the disputes about division of holding——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I intervene at this stage by saying that Government are prepared to accept this amendment.

Babu JATINDRA NATH BASU: Sir, I do not move my amendment.

Mr. DHIRENDRA NATH DATTA: Sir, before I speak on the subject, it is better to place my proposed amendment before the House. So, with your permission I now read my proposed amendment as follows:—

That in clause 24 for proposed section 88 the following shall be substituted, namely:—

"88. A division of a tenure or holding or a distribution of rent payable in respect thereof shall be binding on the landlord or landlords and a co-sharer tenant or tenants if the notice of the division of tenure or holding or distribution of rent payable in respect thereof be given to the nearest union board or union committee, as the case may be, to be served in the prescribed manner upon the landlord or landlords or their common agent and a co-sharer tenant or tenants with mutation fee of rupee one to be paid to the landlord or landlords:

Provided that it shall be competent for the landlord or landlords or the co-sharer tenant or tenants to file an objection to the proper court within one month from the date of service of the notice to the effect that the said division of tenure or holding or the distribution of rent payable in respect thereof, cannot be allowed on the ground that the statement in the notice with regard to the tenure or holding the amount of rent or the quantity of land is inaccurate and the court concerned shall after hearing the parties, pass such order with regard to the division of tenure or holding or distribution of rent payable in respect thereof with such modification as it deems fit:

Provided also that if no objection is filed by the landlord or landlords or their common agent or co-sharer tenant or tenants as provided for in the first proviso to this section within one month from the date of service of the said notice, such division of tenure or holding or distribution of rent payable in respect thereof or both, as the case may be, shall be deemed to have been properly made and legally binding upon the parties concerned from the date of such service and shall not be questioned in any court:

Provided further that the notice hereinbefore mentioned shall be given (*a*) in the case of a transfer by sale, or bequest to the sub-registrar in whose office the instrument of such transfer is registered, as soon as the registration is complete; (*b*) in the case of a transfer by auction sale, held by a court in execution of a decree or a certificate signed under the Bengal Public Demands Recovery Act of 1913 where neither the purchaser nor the decree-holder is the sole landlord, to the court holding such sale as soon as the sale is confirmed; and the sub-registrar or the court, as the case may be, on payment to him or to it

by the transferee, of a prescribed process-fee, shall cause the said notic to be served in the prescribed manner upon the landlord or landlor or their common agent or co-sharer tenant or tenants."

Mr. Speaker, Sir, it is an admitted fact that with regard to th division of the tenancy, the tenants suffer the greatest oppression fro the landlord. It is an admitted fact, Sir, that if a certain perso purchases a certain plot out of a holding which consists of 100 plot the landlord, while instituting a suit for recovery of arrears of ren brings a suit against the purchaser and other co-sharer tenants an obtains a general decree, and if the purchaser happens to be a rich ma the first thing which the landlord does is to execute a decree as again the purchaser and proceeds against the movable property of the ric man and realises the whole of the decretal amount, though he is liabl for a very small portion. That is the difficulty which is experience by the co-sharer tenant and when a general decree is passed, the land lord occasionally executes the decree as against the tenant again whom he has got a grudge. That is the position to which the tenan is subjected to with respect to the division of the tenancy. Since afte the passing of the Bengal Tenancy Amendment Act of 1928, section 8 is there but my experience as a lawyer tells me that the tenant neve avails of the provision that has been laid down in that section. Firs of all the cost that has to be incurred is very high and, secondly, i has been said that no division is allowed if the distribution of ren results in bringing the rent for any portion below Rs. 2-8 in case o holdings and Rs. 4 in case of tenures. Often times it is found that a purchaser purchases a plot of land the rent of which will be less than Rs. 2-8 and then he cannot avail of the benefit of section 88. So, it is the experience of all of us practising in law courts, especially in mufassal courts that the benefit that is said to have been conferred by section 88 is not availed of by the tenants, and cannot be availed of by the tenants. The result is that oppression is going on from time immemorial. So the present clause that is sought to be inserted in substituting section 88 of the Bengal Tenancy Act also will not give any relief to the tenants. The provision is similar in nature with one difference, namely, that in the case of the tenure instead of Rs. 4 it has come down to Rs. 2 and in the case of holdings instead of Rs. 2-8 it has come down to Rs. 1-8. So my amendment is that the division of the tenure or holding will follow as a matter of course as soon as the notice is served upon the landlord and the co-sharer tenants and the notice is to be served through the union board or the union committee. If the landlord is aggrieved by the particulars that has been mentioned in the notice with respect to the rent and with respect to the land, he may go to the civil court. It is stated in the proviso that he may apply to the civil court complaining that the rent is not accurately stated, the land has not been accurately stated within one month from the date of service of the notice and the civil court after serving notice upon the tenants and upon the interested parties will decide what will

, the rent payable or which land. I do not think that the landlord ill be entitled to mutation fee and if there is any difficulty, he will) to civil court and will have the mistakes rectified. I do not think ere is any reason why the House should not accept the amendment hich has been proposed if it intends to give relief to the poor tenantry. have read all the amendments and I have carefully read the proposed ction 88 of the Bengal Tenancy Act, and I do not think there is ything why the Government should not accept the amendment if ey really intend to give relief to the poor tenantry.

I do not like to inflict a long speech on the subject—my friend here ys even a short speech is an infliction—but I am not sure if all the embers can follow and probably we cannot also place our case in the ay in which we can before a court. If the Government intends to ive relief to the poor tenantry and if the members of the House intend give relief to them, they will accept the amendment that has been oposed by me.

Sir, before I sit down I want to say to the zemindar members that is will accelerate the payment of rent. The realisation of rent will e easier—I see that Kumar Shib Shekhareswar Roy is laughing in his eeves. I am quite sure that if the division of tenancy becomes easier, ie tenants will be eager to pay off their arrears of rent. I know the nants of our province of Bengal are anxious to pay arrears of rent. hey do not pay arrears because they are unable to pay on account of ie difficulty of the division of the tenancy and the landlords are comelled to sue for recovery of arrears of rent. I am quite sure if the ivision becomes easier the number of rent suits will gradually diminish.

Mr. P. BANERJI: I have moved my amendment in place of lause 24 and I submit that my motion is more reasonable and fair. ir, it will be evidenced that the Hon'ble Minister in accepting the mendment of Mr. Roy has accepted the second part of my motion, hat is, notwithstanding anything contained in the first proviso to subection (*1*) the civil court may, on an application made on that behalf y the tenant or a co-sharer tenant, direct a subdivision of the tenancy it considers such subdivision just and convenient. The Hon'ble linister, I find, in this clause has not made very much improvement han section 88(*a*) as it stands in the Statute Book. My submission is hat if it is the intention of the Government to give the right of subivision to the tenants and also to fix their respective rents, why the lovernment should do it half-heartedly. Sir, in order to modify this ection, as you are aware, in the old Council I introduced a Bill in 933 on similar lines, but that was considered at that time utopian. I m glad, Sir, that so soon within four years the Government has hanged perhaps because this Legislature is not zamindar-ridden. That nay be one of the reasons why Government has tabled a Bill of its own

motion. Now, Sir, as I was just pointing out, if it is the real intention of the Government to give relief to the tenants why not then do so whole-heartedly, why should you make this so cumbrous. My motion is that this subdivision must be automatic.

Now, Sir, I read the first portion of my motion: "The succession to portion of a tenancy or transfer thereof by sale, gift, exchange or bequest shall have the effect of subdividing the tenancy and the transferred portion shall be deemed to be a separate tenancy the rent of which shall bear the same proportion to the total rent of the original tenancy, as the area transferred shall be its total area." Now, Sir, as I have just pointed out, if it is the real intention of the Hon'ble Minister, he should have no hesitation to at once stand up and accept my motion. Sir, it is absolutely automatic, free from any difficulty and the poor tenant is not to go through so many processes.

It has been established beyond doubt even after the introduction of these changes in 1928 which came into force on the 1st April, 1937, we noticed that Government allowed these co-sharers to go to the court. Government realise the difficulty owing to which not even one per cent. of such tenants want to take the protection of the courts for the simple reason that it is not possible for them to do so. On the other side, as has been pointed out by Mr. Dhirendra Nath Dutt, the zamindars have subjected their tenants to a lot of hardships and harassments from time to time. Mr. Dutt has adduced two reasons in support of his contention. One of these is that whenever the landlord finds that amongst his tenants one is richer and more solvent than the rest, he directs his execution against the richer man. Of course in certain case out of sheer vindictiveness the zamindars do so. But according to justice and fair-play the zamindars should realise the rent from all the co-sharers according to their respective shares. The zamindars have not done so in practice. As I stated in the old Council, the zamindars have got a machinery for realising arrears of rent from defaulting tenants because they maintain a law department. But in practice the zamindars have not done so and have realised the arrears from the first available person they could get. There was also another loophole and taking advantage of this some dishonest tenants used to approach the *gomastas* of zamindar and give them some bribe with the result that the execution had only been directed against some persons and not all. We feel that this state of affairs is very bad and we want it must be remedied at any cost.

Mr. SPEAKER: Mr. Banerji, how long do you wish to continue?

Mr. P. BANERJI: Sir, I wish to speak for five minutes or so.

Mr. SPEAKER: Then, I had better adjourn the House for 20 minutes for prayers.

The House was then adjourned for 20 minutes.

(After adjournment.)

Mr. P. BANERJI: The Hon'ble Minister told us before the recess that he was convinced that no more discussion was necessary on any clause. If he was so convinced, it was up to him to stand up and accept my motion which is quite reasonable. I submit that if Government really desire to do good to the tenant, then the only possible course for them is to accept my motion. First of all, my motion is automatic and secondly, there is no mutation fee. Kumar Shib Shekhareswar Roy has moved an amendment saying that he is not satisfied with Rs. 2 that is proposed to be given to the zamindar by the Hon'ble Minister. I consider that when so much sacrifice is going to be made by the zamindars or rather when they are being compelled to accept a fee of Rs. 2 in place of 20 per cent. of the purchase price, it is fair that they should forego the mutation fee as has been suggested in my amendment. A moment's scrutiny will show that no mutation fee is reasonable. Kumar Sahib has just said that if a tenancy is subdivided, the *gomostas* are generally busy with the additional work involved. I submit that is no point at all, in view of the fact that it is their business to accept rents. In 1929 there was an amendment that if there was an agreement between the co-tenants and co-sharer landlords, the alone a mutation was necessary, but I do not know whether that agreement was an ideal one or was even possible. Therefore, Sir, it is absolutely unreasonable to demand such a high mutation fee. Past experience has shown that our people, particularly the poor and peace-loving tenants, neither find it convenient nor have they any time nor any inclination to go to the court and in this my lawyer friends will agree with me. So far as mutation cases in my constituency are concerned, there was only one case taken through a court. It is therefore reasonable, fair and just that mutation should be automatic and that there shall be no fee charged for it. As has been pointed out by several amendments about this or that process, I fail to understand why we should go through so many formalities. The Hon'ble Minister has accepted one part of my amendment and I hope he will be convinced about the reasonableness of the other and accept it as well.

Maulvi ABDUL BARI: We welcome the amendment to clause 24 of the Bill. Mr. J. N. Basu and some others have moved for the deletion of this clause. The deletion of clause 24 will revert the tenant to his former position. The effect of clause 24 taken together

with the amendments moved on behalf of the members of the Coalition Party will show that so long and up till to-day tenants who used to pay rents regularly and who were good tenants were subjected to continued harassment on account of the failure of their co-sharers to pay their rents to zemindars. The provision of this section enables them to pay rents of holdings separately just as they choose after getting their shares separately registered in the zamindars' sherista. Therefore the ultimate effect will be that those tenants who desire to pay rents to the zamindars will not be subjected to their holdings being sold. Some of the amendments moved on behalf of members of this side go to show that there has been a very good improvement on the Government clause 24 and that the acceptance of those amendments would go to remove any difficulty or apprehension that might appear in clause 24. So far as the amendments that have been moved by this side are concerned, the ultimate effect is that in place of the words "revenue officer" the word "court" has been substituted. The reason is that generally revenue officers take recourse to the summary procedure as a result of which tenants are harassed. By another amendment we want to delete the words "process-fee" and things like that. These show that some of the burden of the tenants has also been removed. We have also deleted clause 1(*b*) relating to the creation of unreasonably small holdings. Then again we have reduced the fee from Rs. 2 or Rs. 1-8 to Re. 1. These are substantial improvements on the Government Bill. It has been urged by some of my friends on the other side that clause (*b*) of section 88 should be deleted. The difficulty is that if the words "co-sharer tenants" are deleted, then they will not be able to approach the zamindars to have their names mutated and will not be able to know how their zamas stand. In that case if the zamindars sues the rest of the tenants, those tenants may disown the subdivision of the holding and there will be some difficulty. Then there are several kinds of land according to which rents may vary. Generally, rents vary with regard to the proportion of the land and also with regard to its quality. Therefore it may not be quite proper, it may not be fair to subdivide the tenancy without informing the co-sharer tenants and without looking into the nature of the land and its productivity. Therefore this defect in sub-section (*1*) of section 88 has been remedied by sub-clause (*2*). Therefore there would be no necessity for deleting sub-clause (*b*). Then there are some amendments which stand in the name of Maulana Moniruzaman and others wherein they want to say that notice at the first instance should be served on the co-sharer tenants through the union board or union court. There is some difficulty with regard to that. So far as the working of the union board is concerned, there is a feeling that proper service is not made through union boards or union courts. There is so much litigation, there is so much ill-feeling and disaffection amongst people living in villages that whenever a particular party comes into power,

hey try to do as much injustice to the other party as possible. They ry to suppress notices and things like that. Moreover, they might e under the influence of zamindars, because it is very rare that iembers do not come under the influence of zamindars. Therefore ny service of notice of this nature through a union board or a union ourt may entail the tenants concerned in serious difficulties. Under hese circumstances, I would submit that the Government Bill, as mended by the several amendments moved with regard to some of he sections enumerated by me, should stand.

Maulvi ABDUL HAKIM: I beg to move that in clause 24 for roposed section 88 the following be substituted:—

"88. A division of tenure or holding or a distribution of rent ayable in respect thereof, shall be binding on the landlord or landords and a co-sharer tenant or tenants if the notice of the division of enure of holding or distribution of rent payable in respect thereof e given to the Union Board or Union Committee, as the case may be, n whose jurisdiction the tenure or holding situated to be served in he prescribed manner upon the landlord or landlords or their comion agent and a co-sharer tenant or tenants:

Provided that it shall be competent for the landlord or landlords r the co-sharer tenant or tenants to file an objection to the proper ourt within one month from the date of service of the notice to the ffect that the said division of tenure or holding or the distribution f rent payable in respect thereof, cannot be allowed on the ground hat the statement in the notice with regard to the tenure or holding, the amount of rent or the quantity of land is inaccurate and the ourt concerned shall, after hearing the parties, pass such order with egard to the division of tenure or holding or distribution of rent payble in respect thereof with such modification as it deems fit:

Provided also that if no objection is filed by the landlord or landords or the common agent or co-sharer tenant or tenants as provided or in the first proviso to this section within one month from the date f service of the said notice, such division of tenure or holding or listribution of rent payable in respect thereof or both, as the case nay be, shall be deemed to have been properly made and legally inding upon the parties concerned from the date of such service and hall not be questioned in any court:

Provided further that the notice hereinbefore mentioned shall be iven (*a*) in the case of a transfer by sale, gift or bequest to the subegistrar in whose office the instrument of such transfer is registered s soon as the registration is complete; (*b*) in the case of a transfer by auction sale, held by a court in execution of a decree of a certiicate signed under the Public Demands Recovery Act of 1913 where

neither the purchaser nor the decree-holder is the sole landlord to the court holding such sale as soon as the sale is confirmed; and the sub registrar or the court, as the case may be, on payment to him or to it by the transferee, of a prescribed process-fee, shall cause the said notice to be served in the prescribed manner upon the landlord or landlords or their common agent or co-sharer tenant or tenants.

Where the number of co-sharer landlords exceed ten, all such co-sharer landlords shall be bound to appoint a common agent for the purposes of section 88 of the Act within six months from the passing of this Act.

One common notice served in the prescribed manner under this section upon such common agent shall be deemed to have been served upon all co-sharer landlords.

Where there are more than ten co-sharer landlords but no common agent is appointed by them, they will be decreed to have notice for the purpose of this section if the notice is published in any paper having sufficient publication."

Maulvi ABDUL HAKIM: (Delivered a speech in Bengali in support of his amendment.)

At this stage there were cries of "The question be now put".

Mr. SPEAKER: I will now ask Rai Harendra Nath Chaudhuri to speak for five minutes, and after he has spoken I will ask Sir Bijoy to reply, and if after that the closure is demanded, I will accept it.

Mr. RASIK LAL BISWAS: Sir, I should be given an opportunity to speak also, for if I do not explain my amendment, there is every likelihood of its being misunderstood, with the result that members may vote against it. You, Sir, have the power to allow me to speak or to disallow me to speak, and I should be grateful if you exercise your prerogative in allowing me to speak.

Mr. SPEAKER: I am sorry, I cannot help it.

Rai HARENDRA NATH CHAUDHURI: How can I finish in five minutes? I have got to explain the thing in great detail.

Mr. Speaker, Sir, I move two amendments, one I believe to be a verbal one, viz., No. 1219, which proposes to omit certain words from new section 88(2) as I think that these words are, to some extent, redundant. They are not only redundant but are likely to land us in difficulty also, because the section speaks of subdivision of holdings while sub-section (2) provides for application to the revenue officer—which is

now, by the amendment accepted by the Hon'ble the Revenue Minister to be the civil court—not only for the division of holdings but for the annulment or modification of a previous division or distribution, and such other things also. I think, Sir, this will make confusion worse confounded, and, therefore, I propose the deletion of those words, beginning with "or" and ending with "sub-section (*1*)". I propose to delete these words, and, as I have said before, this amendment is more or less of a verbal character. The substantive amendment that I propose, however, is the amendment that stands in my name and is number 1240. There is a misprint in that amendment. I propose to substitute the whole of sub-clause (*b*) of the proviso and not merely (*i*) of sub-clause (*b*) of the proviso by the words of my amendment. That is, if my amendment be accepted, then sub-clause (*b*) will read as follows:—

"No order for division or distribution shall be made which would result in the creation of tenures or holdings less than 20 or 10 bighas, respectively."

Sir, my amendment does not propose that there shall be no division of any tenancy, it does not object to division on principle. The object of my amendment is that the division of tenures or holdings should not be carried to such an extreme as to lead to the creation or multiplication of uneconomic holdings. The trend of modern agrarian legislation in Europe, Sir, is to discourage the creation or multiplication of uneconomic holdings. Most post-War legislations in Europe touching on land questions, aim at guarding against the danger of what they call in France morcellement that is too much splitting-up of holdings leading to excessive fragmentation or uneconomic holdings; for uneconomic holdings, after all, prove ruinous not so much to the landlords as to the cause of agricultural development and to the tenants themselves. In their legislative attempts in this direction post-War Europe has gone so far as to propose changes even in the law of succession. As for instance, even in Denmark—the country which stands pre-eminently for what is called the small-holding movement—they do not permit the splitting up of small holdings. They permit the sale of small holdings, but they do not permit the splitting up of such holdings. Take, again, Germany. In recent years a law has been passed there which advocates the system of what is called succession by a preferred heir or *anerbe* and creates what is called an *anerbenrecht*. The basic idea is that a holding should not be divided so much as to create a number of uneconomic holdings, and with that idea they have even offered a new law of succession whereby a tenant's holding can pass on undivided to what is called the preferred heir. In Prussia, in 1924, a law was passed under which tenants can make arrangements by which their holdings can be inherited by a named or a chosen heir. In Russia also such subdivision of holdings is not allowed. Under the new Russian

Agrarian Code of 1922, such fragmentation is not encouraged at all On the contrary, the provincial authorities there can issue compulsory executive orders to prevent subdivision of holdings. That, Sir is the position in post-War Europe. In India also the growing number of uneconomic holdings is recognised to be a great menace Permit me, Sir, to quote in this connextion from a book, by Dr. Radhakamal Mookerjee, published in 1933. This book is composed of Readership Lectures delivered by Dr. Mookerjee at the Calcutta University, and the title of the book is "Land Problems of India". It is well known that Dr. Radhakamal Mookerjee has not much sympathy for the zemindary system. In fact, he is one of those modern economists who have little sympathy for the present land-holding classes; yet, Sir, this is his opinion: "This decrease of the size of the average holding in India within the last few decades has led to the decrease of the output per man, and sometimes the total output per unit of land, and diminution of security for the cultivators. It has also fostered social inefficiency by encouraging agricultural idleness as well as friction and litigation." There are other economists also who are of opinion that in this country a real agrarian menace is being created by excessive subdivision of holdings. In conclusion I repeat that I do not propose to stand against subdivision *per se*, The object of my amendment, as I have said before, is simply that subdivision of holdings may not be carried to such an extent as to create uneconomic holdings, and therefore I propose that no division or distribution should be permitted which will result in the creation of tenancies less than 20 bighas so far as tenures are concerned and 10 bighas so far as raiyati holdings are concerned. Surely, I should have proposed more, for a holding of 10 bighas cannot be described as an economic holding in as much as it cannot support a tenant and his family. However, I have limited it to 10 bighas only, though I am afraid that even if you accept my amendment there will be some scope also for uneconomic holdings. I propose that at any rate there should not be holdings of less than 10 bighas. My reasons are fundamentally economic and have little to do with politics.

A member: On a point of information. There are other amendments in this clause, will they be taken up to-day?

Mr. SPEAKER: If there is time.

Maulvi ABDUL BARI: Is Mr. Rai Chaudhuri moving his amendment on his own behalf or as a result of his party meeting?

Rai HARENDRA NATH CHAUDHURI: I believe there were no party decisions on this subject but I am sure our party does not stand for irrational things.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I would first of all try to reply to the amendment moved by my friend Kumar Shib Shekhareswar Roy. I may tell him that on merits I do not disagree with him and in fact he and I entirely agree on merits. There is no doubt that subdivision of holdings would lead to additional expenditure and in all fairness the landlord should be at least given sufficient mutation fee to cover the out-of-pocket expenses; but he knows very well that the trend of public opinion is against any payment of landlord's fee, whether it is transfer fee or mutation fee. So if the people are not willing to pay, I believe we have got to give it up as a hopeless case and reconcile ourselves to the existing situation.

The next is the amendment moved by Mr. Dhirendra Nath Dutta. He said that the joint decree obtained by the landlord often leads to oppression in the way that the landlord instead of proceeding against the defaulting tenant proceeds against his co-sharer if he is a rich man and tries to execute the whole decree against him. The underlying principle is that the liability is joint and several; so it is open to the landlord to proceed against either all of them or one of them. The landlord must realise the rent and it does not matter whether he proceeds against one person or against all. If the system is to continue, facilities ought to be given to landlord to realise his rent and we cannot compel him to proceed against the person who is not in a position to pay.

As regards the amendment moved by Maulvi Abdul Hakeem and Mr. P. Banerji, the principle is practically the same. They propose that there should be notices given through the union board to all co-sharer tenants and to landlords and the distribution of rent or division of rent should be automatic. I venture to submit that this is wholly unfair and unbusiness-like. The co-sharer tenant has a right to know what his share of rent is going to be: he should have an opportunity to object: similarly, the landlord should be given an opportunity to know how much he is going to get and from whom. The distribution cannot be made between the buyer and the seller. There is always a third party, namely, the landlord. The interests of the co-sharer and of the landlord may be as much valuable as that on of the seller and the purchaser. So, for all practical purposes these two parties cannot be ignored, however, it may be desirable from the purchaser's point of view. Maulvi Abdul Hakeem further went on to suggest that where there are more than 10 co-sharers they must be compelled to appoint a common manager. This I submit is outside the scope of this section. This comes under section 93 and section 93 has not been touched, so that portion of his amendment is not in order.

Next I come to the amendment of Mr. Harendra Nath Chaudhuri. His first amendment, namely, 1219, proposes that the words "or for

the annulment or modification of a previous division or distributic other than one made under and agreement made between all the lan lords and co-sharer tenants in conformance with the provisions sub-section (*1*)" be omitted from sub-section (*2*). Now, Sir, th effect of this would be that the dissenting co-sharers will be le without any remedy and the revenue officer will have no jurisdictio in giving them any relief. I do not know if my friend has realise that fact.

Rai HARENDRA NATH CHAUDHURI: I do not accept tha explanation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not question of accepting or not accepting the explanation: this will b the inevitable consequence if his amendment is accepted.

The next amendment which he has moved is No. 1240, in which h suggests that a holding should not be made uneconomic. On prin ciple I fully agree with him. One of the greatest problems to-day i uneconomic holdings; so any proposal for further segmentation i designed neither in the interest of tenants nor in the interest of land lords. But we have got to face facts and we do not leave in the realm of theory. I hope Mr. Rai Chaudhuri realises that Bengal is neither Russia nor it is Germany—neither have we amongst us a Her Hitler so that compulsory orders can be passed as is done in Germany. The law of succession has to be changed and changes have to be brought about in the outlook of the people before we can follow Germany or Russia. Personally, I think it is desirable that holdings should not be made too small. As it is they are very small and by further segmentation we should not make them smaller and more uneconomic.

I do hope that when Government goes into the bigger question of overhauling the land tenure system of this province, they will tackle this problem and try to remedy the defects if that is possible; but at present I do not think it is practicable.

Next I come to my own amendment No. 1334. It provides only for the arrear rents before subdivision and it is only fair that the arrear rent should be safeguarded.

In conclusion, I just beg to point out that I am prepared to accept the following amendments, viz., 1206, 1217, 1233, 1264, 1297 and 1333.

Mr. SPEAKER: I do not think clause 5 is necessary, as Mr. Roy's amendment is consequential.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In that view of the matter I think sub-clause (*5*) should go out. It is redundant. I beg to move that clause 5 be omitted.

Mr. MANMATHA NATH ROY: I would point out to the Hon'ble Minister that sub-clause (*5*) should not be deleted because it will allow appeals; so I suggest that the words "to the Collector" be left out and in their place the words "revenue officer" be substituted.

Mr. SPEAKER: I think it is necessary to delete that for this reason that if you want civil court to function, you cannot by this rule change the scope.

Mr. MANMATHA NATH ROY: The question here is whether an appeal lie at all. The Government Bill provides for an appeal that is no new question. The question is whether an appeal should be preferred. Therefore clause 5 should be retained, the word "Collector" being omitted and in place of the words "revenue officers" the words 'civil court" being substituted.

Mr. SPEAKER: That is meaningless, for this reason that it would be governed by the ordinary Civil Procedure Code. When you go to the civil court jurisdiction in the matter of an appeal, it is governed by the civil court. It will be a decree.

Rai HARENDRA NATH CHAUDHURI: Not in all cases.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think it is necessary to provide this, especially in the Bill because it will be a decree and as you were pleased to observe that all appeals should be guided by the provisions of the Civil Procedure Code.

Rai HARENDRA NATH CHAUDHURI: It will be an application and it will be a proceeding, but it will not be a decree. Unless you provide for a decree, it is not a decree.

Mr. SPEAKER: Then Mr. Roy, your amendment is not necessary.

Mr. MANMATHA NATH ROY: Sir, it is for you to decide whether it is necessary or not.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sub-clause (*5*) is out of order as we are changing from "revenue officer" to "civil court."

If we put in "District Judge" instead of "Collector" that is "an appeal shall lie to the District Judge" and omit the words "revenue officer" I think that will do.

Mr. SPEAKER: I will see the necessary consequential changes there are some amendments.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: May I conclude by pointing out one fact. Some of the members have contended that section 88 as amended is no improvement. I venture to point out that it is a distinct improvement as it does away with the provision for double notices which was a costly affair and often prevented the tenant from going to the civil court to bring about a division of holding. The amount of *salami* was also probably a handicap.

Babu NAGENDRA NATH SEN: Sir, we have been prevented from placing our submissions with regard to our amendments.

Mr. SHAH ABDUR RAUF: The question be now put.

Mr. SPEAKER: The question before the House is that the question be now put.

The motion was then put and agreed to.

Mr. SPEAKER: Sir Bijoy, may I know which amendments you are accepting?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: I am accepting Nos. 1206, 1217, 1233, 1264, 1297, 1319 and 1333.

Mr. SPEAKER: What about No. 1341?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: I think that is consequential to Mr. Roy's amendment.

I will have to say this much that Mr. Roy cannot pass a resolution and move an amendment together. I think so far as this is concerned there is nobody who can take the responsibility of making consequential changes except the House unless it is a pure drafting change.

Mr. SPEAKER: The first amendment is No. 1153, namely, that clause 24 be omitted moved by Maharaja Sashi Kanta Acharyya Choudhury.

The motion was then put and lost.

Mr. SPEAKER: The next amendments are Nos. 1161-1175, 1176-1182 and 1183. All these amendments want to substitute an entirely new clause in place of section 88.

Maulvi Abdul Hakim's motion was then put and a division taken with the following result:—

AYES.

Abdul Hakim, Maulvi.
Abdul Jabbar Paiwan, Mr. Md.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Amed Khan, Mr. Syed.
Asimuddin Ahmad, Mr.
Banerji, Mr. P.
Banerjee, Mr. Sibnath.
Bannerjee, Mr. Manoranjan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Babu Haripada.
Chaudhuri, Raf Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Fazlur Rahman Muktear, Mr.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdbury, Mr. Syad.
Himatsinkha, Mr. Prabhudayal.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Muhammad Israil, Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Bharat Chandra
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hosain Jeardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Brasher, Mr. F. C.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Griffiths, Mr. C.
Hafizuddin Chowdhury, Maulvi.
Hasanuzzaman, Maulvi Md.

Hasina Murshed, Mrs.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
MacLauchlan, Mr. C. S.
Mafizuddin Ahmed, Dr.
Mafizuddin Chowdhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jogendra Nath.
Maniruddin Akhand, Maulvi.
Miles, Mr. C. W.
Miller, Mr. O.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Md. Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswai Haque, Mr. Syed.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, Kasimbazar.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nimmo, Mr. T. B.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
West, Mrs. Elton.
Yousuf Mirza.

The Ayes being 55 and the Noes 99 the motion was lost.

The motion of Mr. Dhirendra Nath Datta was then put and lost.

The motion of Mr. P. Banerji was then put and lost.

The amendment of Mr. Mirza Abdul Hafiz was by leave of the House withdrawn.

The motion of Mr. Rasik Lal Biswas that in clause 24 in proposed section 88(*1*) the word "both" be omitted, was put and lost.

The motion of Mr. Rasik Lal Biswas that in clause 24 proposed section 88(*1*) (*a*) be omitted, was put and lost.

The motion of Mr. Jogendra Nath Mandal that in clause 24 in proposed section 88(*1*) the word "and" at the end of the sub-clause (*a*) and sub-clause (*b*) be omitted, was put and lost.

The motion of Mr. Rasik Lal Biswas that in clause 24 proviso to proposed section 88(*1*) be omitted, was put and lost.

The following amendment of Babu Jatindra Nath Basu was by leave of the House withdrawn:—

That in clause 24 in proposed section 88(*2*), in line 1 after the words "Revenue Officer" the following be inserted, namely:—

"not below the rank of a Subdivisional Officer."

The motion moved by Mr. Manmatha Nath Roy that in clause 24 in proposed section 88(*2*), in lines 1 and 2 for the words "A Revenue Officer empowered in this behalf by the Provincial Government" the words "The Civil Court" be substituted and the consequential changes be made in the rest of the section, was put and agreed to.

The motion moved by Mr. Abdul Hakeem that in clause 24 in the proposed section 88(*2*) in lines 2 and 3 the words "with the prescribed fee" be omitted, was put and agreed to.

The amendment moved by Rai Harendra Nath Chaudhuri that in clause 24 in proposed section 88(*2*) in lines 5 to 9 the words, figure and bracket "or for the annulment or modification of a previous division or distribution other than one made under this sub-section or under an agreement made between all the landlords and co-sharer tenants in conformance with the provisions of sub-section (*1*)" be omitted, was put and lost.

On the following amendment of Mr. Mandal No. 1222 being put, Mr. Syed Hasan Ali Chaudhuri rose and asked for a division:—

That in clause 24 in proposed section 88 (*2*) in line 9 for the word "may" the word "shall" be substituted.

On the Hon'ble Speaker asking the member who supported the motion to rise in their places, Mr. Syed Hasan Ali Choudhuri only stood up.

After a little while several members of the Congress Party stood up and stated that they could not understand that the direction was to rise in their places.

Mr. SPEAKER: I am sorry I cannot help you if you do not rise at the proper time.

The motion was lost.

The following motions of Mr. Jogendra Nath Mandal were put and lost:—

That in clause 24 in proposed section 88(*2*) in lines 11 to 14 the words "or annul or modify a division or distribution previously made other than one of the nature referred to above if he considers it unfair and inequitable" shall be omitted.

That in clause 24, proviso (*b*) to proposed section 88(*2*) be omitted.

The following amendment which was moved by Maulvi Abdul Karim was put and agreed to:—

That in clause 24, proviso (*b*) (*i*) to proposed section 88(*2*) be omitted.

Mr. SPEAKER: The next amendment (No. 1240 of Rai Harendra Nath Chaudhuri) falls through in part in view of the deletion of (*b*) (*i*) of this clause.

The following amendment of Maulvi Muhammad Israil was put and lost:—

That in clause 24 in proviso (*b*) (*ii*) to proposed section 88(*2*) in lines 2 and 3 for the words "one rupee and eight annas" the words "eight annas" be substituted.

The following amendment moved by Maulvi Aulad Hossain Kh was put and agreed to:—

That in clause 24 in proviso (*b*) (*ii*) to proposed section 88(*2*) for t words "one rupee and eight annas" the words "one rupee" be subs tuted.

Mr. SPEAKER: In view of the acceptance of Mr. Manmathana Roy's amendment, is the amendment of Mr. Abdul Waheb Kh (No. 1286) necessary: I think the consequential change must be ma in this House. Some authority should be made responsible, either t District Judge, the Munsif or the civil court.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I wou suggest that it be done here. I would accept the "civil court".

Dr. NALINAKSHA SANYAL: Sir, in view of the Parliamenta practice in this respect under which consequential changes in draftin are never done on the floor of the House but are left to a committee, submit that if you ask the House to do it, we shall be creating a ve bad precedent and also anomalies.

Mr. SPEAKER: Dr. Sanyal, I think you realise my difficulty. do not know what is the intention of the House, because question real safeguard, *i.e.*, the jurisdiction question is a matter which is n for the committee or the Speaker to decide but it is one which th House ought to decide.

The motion moved by Mr. Abdul Wahab Khan that in clause 2 in proviso (*c*) to proposed section 88 (*2*) in line 2 for the words "Reven Officer" the words "Civil Court" be substituted, was put and agree to.

The motion moved by Mr. Abdul Hakeem that in clause 24 in pr posed section 88(*3*) in lines 2 and 3 the words "on payment of th prescribed fee" be omitted, was put and agreed to.

The motion moved by Mr. Abdul Wahab Khan that in clause 24 i proposed section 88(*3*) in line 4 for the words "Revenue Officer" th words "Civil Court" be substituted, was put and agreed to.

The motion moved by Mr. Abdul Wahab Khan that in clause 24 i proposed section 88(*4*), line 1, for the words "Revenue Officer" th words "Civil Court" be substituted, was put and agreed to.

The motion moved by Maulvi Tamizuddin Khan that in clause 2 in proposed section 88(*4*) in line 4 for the words "two rupees" the word "one rupee" be substituted, was put and agreed to.

Mr. Syed Abdul Majid moved that in clause 24(*4*) of the proposed section 88, in the 4th line, after the word "applicant" the words "or each body of applicants" be inserted.

The motion was put and agreed to.

The Hon'ble Sir Bijoy Prasad Singh Roy moved that in clause 24 of the proposed section 88(*4*) the following clause be inserted, namely:—

"(*4a*) Every order as referred to in sub-section 4 shall state the date from which the division or distribution shall have effect and the joint and several liability of each co-sharer tenant for arrear of rent, if any, up to that date, shall subsist in all the lands of the entire tenure or holding."

The motion was put and agreed to.

Maulvi Muhammad Israil moved that in clause 24 in proposed section 88 (*5*), in line 1, for the words "the Collector" the words "the ordinary civil appellate court" be substituted.

The motion was put and agreed to.

The following motions were then put and lost:—

That in clause 24 after proviso (*c*) to proposed section 88(*3*) the following be added, namely:—

"No such order shall be passed if after proper enquiry as to the condition of the land in the different portions of the holding and the position to which the different contents will be placed on division of the holding or distribution of the rent in respect thereof it is found that any of the portions of the holding so divided will become uneconomic in character and its future letting value will be lowered.

(*e*) No order for division or distribution will be made if the tenure of holding carries any arrear rent.

(*f*) No such order shall be passed if it is found in the course of decision of a holding or distribution of rent thereof the balance of the distributed rent will be less than rupees two."

That in clause 24 the proposed sub-section 88(*4*) be omitted.

That in clause 24 in proposed section 88(*5*) in line 1 the words "to the Collector" be omitted.

That in clause 24 after proposed section 88, the following proviso be added, namely:—

"Provided always that before any order of subdivision of the tenure or holding or distribution of rents is made the tenant should be made to satisfy all claims of the landlord in respect of rent, cess and interest (both sued and unsued) remaining unsatisfied with respect to the tenure or holding at the date of the order:

Provided also that such an order of subdivision of the tenure or holding or distribution of rents shall have no retrospective effect and the tenure or holding shall continue to remain a first charge under the provisions of section 65 of this Act for any rents, cess or interest remaining unpaid at the date of any order under this section:

Provided that no such order of subdivision of a tenancy or distribution of rents shall be made until the landlord's claim of rent, cess and interest due on account of the share of the tenant in the tenancy has been satisfied. On the passing of an order under this section the landlord's claim for rent, cess and interest on the remainder of the tenancy shall be a first charge on the remainder of the tenancy and if a decree for rent has already been passed, the balance of the decretal amount remaining unpaid at such date such due shall be realisable under the provisions of Chapter XIV of the Act in execution of the decree."

The motion of Mr. Abdulla-al Mahmood that in clause 24 after sub-section (*5*) of the proposed section 88 the following be added, viz.:-

"(*6*) This provision of this section shall apply to all cases of tenure holding or portion of a holding, before or after the passing of the Bengal Tenancy Amendment Act, 1937," was, by leave of the House withdrawn.

Clause 24.

The question that clause 24, as amended, stands part of the Bill was put and agreed to.

Adjournment.

The House was then adjourned till 3 p.m. on Wednesday, the 29th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 29th September, 1937, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the ten Hon'ble Ministers and 199 members.

Mr. SPEAKER: We shall first take up the unstarred questions of yesterday.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Hartal in the Rowail Bazar, Dacca.

287. Mr. MANORANJAN BANNERJEE: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware—

(*i*) that there was a *hartal* in the Rowail Bazar, under the police-station Dhamrai, district Dacca, on the 1st April last; and

(*ii*) that on the 31st March the Officer-in-charge of the Dhamrai police-station called the shopkeepers at the house of the President of the Rowail Union Board?

(*b*) Will the Hon'ble Minister be pleased to state who was the Officer-in-charge of the police-station Dhamrai on the 31st March, 1937?

(*c*) Is the Hon'ble Minister aware—

(*i*) that a meeting was being held on the 1st of April in the Rowail Bazar; and

(*ii*) that a clerk of the Union Board, Rowail, went to the meeting with a *dafadar* and 8 or 10 *chaukidars* and tried to disperse the meeting?

(*d*) If the answers to (*a*) to (*c*) are in the affirmative, is the Hon'ble Minister considering the desirability of holding an enquiry into the matter?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) I understand that shops were closed at Rowail Bazar, police-station Dhamrai, on the 1st April, 1937, and that the Officer-in-charge of Dhamrai police-station, whose duty it is to keep himself informed of such matters, called some shopkeepers and offered them protection in case they wished to open their shops next day.

(*b*) Babu Chinta Haran Ghose, Sub-Inspector.

(*c*) (*i*) It is reported that a meeting was held in the Rowail Bazar in the afternoon of the 1st April.

(*ii*) No report of any such action by a union board clerk or the rural police has been received.

(*d*) No.

D.T.M. Course of Training.

288. Mr. SYED ABDUL MAJID: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) since when the D.T.M. course of training at the School of Tropical Medicine in Calcutta was started; and

(*ii*) whether any Civil Assistant Surgeon is given the training at Government cost?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister, be pleased to state—

(*i*) the number of such officers who have been given training at Government cost up to date; and

(*ii*) how many of them are Muslims?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) (*i*) 15th November, 1921.

(*ii*) Yes, *vide* rules 9 and 13 of the Prospectus of the School of Tropical Medicine, Calcutta, a copy of which is placed on the Library table.

(*b*) (*i*) 18.

(*ii*) 3.

Mr. SYED ABDUL MAJID: With reference to answer (*b*) (*ii*), will the Hon'ble Minister be pleased to consider the desirability of increasing the number of Muhammadans who receive the D. T. M. course of training at Government cost?

The Hon'ble Maulvi SYED NAUSHER ALI: I will look into the matter, Sir.

Appointment for contour survey in central and western Bengal in 1936.

289. Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that in the appointment for contour survey in central and western Bengal in 1936 it was advertised that 50 per cent. of all appointments would go to the Muhammadans;

(*ii*) that this was not observed in the case of appointment of Surveyor, Assistant Surveyor and Overseer;

(*iii*) that the leave vacancies of Moslem clerks were filled up with non-Moslems, thereby defeating the very purpose of Government notifications restricting quotas;

(*iv*) that of the ten hands—3 surveyors and 7 assistant surveyors—who were granted extension for printing of contour maps and drawing contour line, no Moslem was appointed as surveyor and only two Moslems were appointed as assistant surveyors; and

(*v*) that this injustice has been done in spite of the fact that among the Moslem employees there were several who were fully qualified for these appointments?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*i*) Yes.

(*ii*) Yes, because qualified Moslem candidates were not available.

(*iii*) The leave vacancy of one Moslem clerk was temporarily filled by the appointment of a Hindu but only until a suitable Moslem was available.

(*iv*) Yes.

(*v*) The selection was made by the Superintending Engineer in consultation with the Chief Engineer after careful consideration of the merits of the officers.

Bijoy Cut, Nadia.

290. Babu PATIRAM ROY: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the opening of the Bijoy Cut in the district of Nadia was responsible for some of its neighbouring villages being over-
l last year;

(*ii*) that the flood was due to the want of accommodation of the waters of the Mathabhanga which rushed into the Bhairab but could not find sufficient outlet;

(*iii*) that the linking up of the Bhairab with the Betna near Maheshpur will provide one of the important outlets; and

(*iv*) that the current of the Betna having free passage will contribute to the health and prosperity of the locality and improvement of agriculture?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state if a scheme of joining the Bhairab with the Betna will be undertaken by the Government?

(*c*) Will the Hon'ble Minister be pleased to state if some amount of money from the Rural Development Fund may be allotted for the purpose?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) In 1936, there was an abnormal rise in the flood levels of the Mathabhanga river and its distributaries which in many places overtopped their banks. The Bijoy Cut is one of the distributaries.

(*ii*) The Bhairab below the Bijoy Cut is capable of carrying the normal discharge passed through the Cut. In 1936 the discharge was abnormal.

(*iii*) The Betna, if linked with the Bhairab, would provide an additional outlet, but in a year of normal flood its service as an outlet will not be necessary, as the Bhairab river, if unobstructed, can carry the discharge passed into it.

(*iv*) Yes.

(*b*) If the Betna river is to be fed by the Bhairab river, it will be necessary to enlarge the Bijoy Cut. The question is whether sufficient water can be spared from the Mathabhanga river without causing a deterioration in the river downstream of the Cut. The matter is under investigation.

(*c*) The question of allotment of funds does not arise at present.

Medical Officers for study leave, ex-India.

291. Khan Sahib Maulvi KABIRUDDIN KHAN: With reference to the answer to starred question No. 76, dated the 2nd December, 1936, will the Hon'ble Minister in charge of the Public Health

and Local Self-Government (Medical) Department be pleased to lay on the table a statement showing—

(*i*) whether the Government ever made any enquiry of the members of the Bengal Medical Service, if any of them wanted leave *ex*-India for higher medical studies up to the end of 1935?

(*ii*) if no such steps were taken, on what basis was leave granted to those who had it;

(*iii*) had the question of granting leave to any Muslim officer of the Bengal Medical Service ever been considered in this connection up to the end of 1936-37;

(*iv*) how many Muslims and how many Hindus applied for such leave and to how many Muslims the leave was granted;

(*v*) what were the standards by which the merits of the applications were judged and were the standards made known to the applicants;

(*vi*) on what grounds was Dr. S. C. Bose granted leave recently and on what grounds other Muslim officers senior to him and with equally good if not better service records were not granted leave; and

(*vii*) has the Government taken any steps to inform the applicants whether they have any probability of getting the leave and when?

The Hon'ble Maulvi SYED NAUSHER ALI: (*i*) Yes, in July, 1935.

(*ii*) Does not arise.

(*iii*) The cases of Muslim officers were considered along with those of others.

(*iv*) Between 1921-22 and 1936-37, 19 Hindus and 3 Muslims applied for leave. One Muslim was granted leave and one withdrew his leave application. The case of the third Muslim officer is under consideration.

(*v*) No fixed standard has been laid down, but each case is dealt with on its merits with special reference to the requirements of the department.

(*vi*) Dr. S. C. Bose was granted leave because the department was in urgent need of a specialist in Midwifery for which he was found to have a special aptitude.

(*vii*) The Surgeon-General advises the applicants on such matters.

Term of office of the Circle Officer, Contai, and Ramnagar Circle, Midnapore.

292. Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state—

(*a*) whether he is aware that the usual term of three years of the service of the present Circle Officer, Contai, and Ramnagar Circle, in the district of Midnapore, has long expired;

(*b*) whether it is a fact that the order of his transfer from the Contai and Ramnagar Circle was twice cancelled; and

(*c*) whether he is aware that complaints were made to the Subdivisional Officer and the District Magistrate of Midnapore against the work of the Circle Officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) He has been there since the 18th April, 1934.

(*b*) No.

(*c*) So far as can be traced one anonymous petition was received by the Subdivisional Officer and another anonymous petition by the District Magistrate.

Functions of the Press Officer of Government.

293. Mr. PRAMATHA NATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Home (Press) Department be pleased to state—

(*i*) what were the functions of the Press Officer to the Government of Bengal in the years 1932 to 1935 apart from duties cast upon him by the Press Act;

(*ii*) what are his present functions;

(*iii*) whether Government advertisements have been since the year 1933 and still are placed with the newspapers and periodical press through the Press Officer;

(*iv*) the names of newspapers and periodicals in which Government advertisements were placed (1) in the years 1933-34, (2) 1934-35, (3) 1935-36 and (4) 1936-37;

(*v*) the total amount of money paid to each newspaper and periodical in which Government advertisements were inserted during the said years;

(*vi*) the daily, weekly or monthly circulation of each such newspaper or periodical; and

(*vii*) whether the said Press Officer has since the year 1933 been writing and still writes articles or editorials for any of the newspapers or periodicals?

(*b*) If the answer to (*a*) (*vii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the names of such newspapers or periodicals; and

(*ii*) the number of articles or editorials?

(*c*) Is it a fact that the last Deputy Secretary, Political and Appointment Department and Press Officer to the Government of Bengal, has published a book entitled "Propaganda 1932-35"?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the said Officer has stated in the said book that by the beginning of 1934 he had succeeded through personal influence, a judicious control of official advertisements in persuading one or two of the most important nationalist papers to accept even editorial articles from him secretly?

(*e*) If the statement referred to in (*d*) has been made what are the names of the most important nationalist papers who were persuaded to accept editorial articles secretly?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) Deputy Secretary, Home Department (previously known as Political and Appointment Departments), is and has been *ex-officio* Press Officer to the Government. Apart from duties in connection with the Press Act, he is the Publicity Officer of Government and has to perform the normal duties of the Deputy Secretary.

(*iii*) to (*e*) The hon'ble member is referred to the press note of 12th June, 1937, a copy of which is laid on the Library table.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the other various functions of the Deputy Secretary concerned, who is also the Publicity Officer of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: The normal functions of the Deputy Secretary in the Home Department, and in this case he deals with police files.

Dr. NALINAKSHA SANYAL: With reference to the number of Secretaries, Deputy Secretaries, Under-Secretaries, and Assistant Secretaries, who number about 8 in the Home Department, and with reference to the number of subjects with which the Home Department deals, which I find is nine, may I inquire whether the duty of this officer is primarily that of the Press Officer or primarily that of the Deputy Secretary vis-a-vis the Home Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: Primarily that of a Deputy Secretary, Sir.

Dr. NALINAKSHA SANYAL: If that is so, may I inquire how many hours of work he puts in per day as Deputy Secretary apart from his work as Press Officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is impossible for me to give any answer to this question.

Construction of latrines in Ward No. I of Pabna Municipality and by the side of Pabna Police line Siva Temple.

294. Mr. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that a twenty-one seated latrine has been constructed facing the dwelling houses of the inhabitants of the Embankment *para* in Ward No. I of Pabna Municipality and by the side of the Pabna Police line Siva Temple?

(*b*) Is it a fact that the rate-payers of the locality sent a petition of protest to the Deputy Inspector-General?

(*c*) Is it a fact that a shopkeeper of the locality who carried the letter of protest to the Deputy Inspector-General was boycotted by the members of the police line and under order of an officer?

(*d*) If the answer to clause (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) under whose order the shop was boycotted; and

(*ii*) the steps proposed to be taken against that officer?

(*e*) Is it a fact that the construction of the latrines was finished without submitting to the Pabna Municipality a plan of the project and without waiting the receipt of the decision from the Local Government to whom the matter was referred to by a resolution of the municipality?

(*f*) Is it a fact that the Superintendent of Police in defence of his action mentioned Act IV of 1899 and added that due regard has been paid to the sanitation of the latrines "as on this so largely depends the efficiency of my force"?

(*g*) Will the Hon'ble Minister be pleased to state the names of the members of the Site Selection Committee?

(*h*) Is it a fact that the Civil Surgeon did not agree to the site being lected?

(*i*) Is the Hon'ble Minister aware of a feeling of resentment prevailg among the inhabitants of the locality?

(*j*) Is the Hon'ble Minister considering the desirability of taking ıe necessary steps to remove the latrines from that place?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The latrines do not ıce the dwelling houses of the inhabitants of the Embankment *para* hich are about 100 feet off with a wide ditch and high town embankent intervening. From the temple, the latrines are over 40 feet away ıd are screened off from it by masonry walls of sufficient height.

(*b*) A petition signed by five persons only was received by the Range eputy Inspector-General.

(*c*) No. There has never been any question of boycotting any shopeeper by the members of the Police force at Pabna.

(*d*) Does not arise.

(*e*) Yes, as the Government Pleader advised that the Municipal Act as no application in the case of Government buildings.

(*f*) No.

(*g*) The following officers were members of the Site Selection 'ommittee:—

The District Magistrate.

The Superintendent of Police.

The Civil Surgeon.

The Subdivisional Officer of the Construction and Works Department.

(*h*) No.

(*i*) I have no information.

(*j*) The matter is under the consideration of Government in connection with a representation submitted by the municipal authority under section 4(*I*) of the Government Buildings Act, 1899 (Act No. IV of 1899).

Babu MADHUSUDAN SARKER: With reference to answer (*a*), where he states that the latrines do not face the dwelling-houses of the inhabitants of the Embankment para and so on, will the Hon'ble Minister be pleased to state that the back-doors of the latrines face the dwelling-houses of the inhabitants of the Embankment para?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be so, Sir. I am not aware of the fact.

Babu NAGENDRA NATH SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to say what was the result of the representation?

The Hon'ble Khwaja Sir NAZIMUDDIN: The petition was filed.

Hooghly-Chinsura Sporting Association.

285. Babu RADHANATH DAS: (*a*) Is the Hon'ble Minister in charge of the Home (Appointment) Department aware—

(*i*) that there is in the town of Hooghly-Chinsura a Sporting Association composed of the different sporting clubs affiliated to it under the title of "The Hooghly Sporting Association," which controls games and sports in the town and enjoys the privilege of allocating the Government playgrounds at Chinsura;

(*ii*) that the present Collector of Hooghly soon after his coming to Hooghly has superseded the Executive Committee of the Association and has assumed control of the Association; and

(*iii*) that there exists a feeling of discontent and resentment over the action of the Collector in restricting the freedom of games and sportmanship in the town and in creating a deadlock in the sporting circles of Hooghly-Chinsura?

(*b*) Is it a fact that the said officer has been employing the staff, stationery and service stamps of the Collectorate in the management of the affairs of the non-Government Association?

(*c*) Do the Government contemplate issue of instructions to the said officer to desist from interfering with the affairs of the Hooghly Sporting Association?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) The facts are, I understand, that at a special meeting of the Association on the 25th July, a resolution was passed by 19 votes to 6 vesting the powers of the Executive Committee of the Association in the District Magistrate, Hooghly, pending the election of a new committee.

(*iii*) No. I understand that any deadlock which may have existed has been resolved and that the Association has enjoyed a successful season.

(*b*) No. Prior to his taking over the powers of the Executive Committee of the Association, the Collector wrote several letters to clubs in his capacity as Collector of the district. I understand that the Chinsura Maidan is Government *khas mahal* land and is only made available to football clubs with the express permission of the Collector.

(*c*) Does not arise.

Mr. SPEAKER: We will now take up starred questions for to-day.

Dr. NALINAKSHA SANYAL: Before you take up starred questions, Sir, may I draw your attention to question No. 319, in whose reply it is stated that copies of a letter in connexion with the case of Babu Sudhir Chandra Sen have been laid on the Library table and the appellate sessions court's remarks thereon? I could not find, in spite of considerable search, the appellate sessions court's remarks thereon.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, as on the last occasion!

Dr. NALINAKSHA SANYAL: Well, I will come to that. It was a faked thing that you showed me.

The Hon'ble Mr. A. K. FAZLUL HUQ: It will be the same thing to-day.

Dr. NALINAKSHA SANYAL: My complaint will be there, unless of course the Hon'ble Minister wants to supersede the entire question by a supplementary note.

Mr. SPEAKER: I will take up the matter when the time comes.

STARRED QUESTIONS

(to which oral answers were given)

Restraint order on Babu Makham Lal Mukherjee.

*316. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that Babu Makham Lal Mukherjee, a Muktear of Gopalganj, has been placed under restraint order under the Bengal Suppression of Terrorist Outrages Act since the 29th October, 1935?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'bl Minister be pleased to state if it is a fact that the said Babu Makhai Lal Mukherjee made several representations to the District Magistrat of Faridpur protesting against the said order of restraint on the groun that it seriously interfered with the pursuit of his profession and tha if he was guilty of any offence he should be put on trial in court, bu the District Magistrate did not reply to any of his representations?

(*c*) Is the Hon'ble Minister aware that the said Babu Makham La Mukherjee sought an interview with the District Magistrate while th latter went on tour to Gopalganj but the District Magistrate did no grant the interview?

(*d*) If the answers to the questions (*b*) and (*c*) are in the affirmative will the Hon'ble Minister be pleased to state whether the policy of th Government permitted the District Magistrate to mete out the saic treatment to Makham Babu?

(*e*) Is the Hon'ble Minister aware that the District Magistrate of Faridpur served another order in November, 1936, upon the said Babu Makham Lal Mukherjee to the effect that the latter shall without delay deliver unopened to the District Intelligence Branch Officer, Gopalganj, all books, communications (whether such communications be in the nature of telegrams, letters, postal packages or otherwise) received by him from any source whatever or intended for him to whomsoever addressed and whether the same be received by him or by some agent or servant on his behalf and he shall hold no correspondence directly or indirectly with any person unless such correspondence has been previously submitted for examination to the District Intelligence Branch Office at Gopalganj?

(*f*) If the answer to (*e*) is in the affirmative—

(*i*) has the Hon'ble Minister considered the effects of such an order upon a practising lawyer; and

(*ii*) is it the intention of the Government to deny him the facility of earning his livelihood by his profession?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Several representations were made as a result of which two orders modifying the order of restraint were issued and on two other occasions replies were given.

(*c*) On one occasion an interview was sought but the District Magistrate was unable to arrange a convenient time on account of other engagements.

(*d*) No question of improper treatment by the District Magistrate arises.

(*e*) Yes.

(*f*) I understand that the District Magistrate is prepared to consider a request for modification of the order regarding the censorship of the gentleman's correspondence.

Babu NAGENDRA NATH SEN: With reference to answer (*e*), will the Hon'ble Minister be pleased to state on what date was the interview sought and the Magistrate was unable to arrange one, and whether since then there has been an attempt on the part of the Magistrate to grant an interview?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot give the date, Sir.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*f*), will the Hon'ble Minister be pleased to state whether the District Magistrate is prepared to make good the loss entailed by this order of restraint on Makhan Babu passed in November, 1936, as he cannot earn his livelihood by his profession?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware of the fact that the order of November, 1936, was more restricted than the order of October?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SURENDRA NATH BISWAS: In view of the fact that Babu Makhan Lal Mukherjee is a lawyer of Gopalganj, will the Hon'ble Minister be pleased to direct the District Magistrate to make a personal inquiry as to whether there is any more justification for keeping any restraint order in force on that gentleman?

The Hon'ble Khwaja Sir NAZIMUDDIN: These, Sir, are questions, under the Act of discretion of the District Magistrate, and I am sure that he will withdraw the orders as soon as he thinks it necessary.

Mr. PROMATHA RANJAN THAKUR: In November, 1936, the District Magistrate ordered that all letters and communications addressed to Babu Makham Lal Mukherjee should be delivered unopened to the District Intelligence Officer, but as everybody knows he is a mukhtear——

Mr. SPEAKER: It is a speech that you are delivering, and I cannot allow it.

Mr. PROMATHA RANJAN THAKUR: My question is whethe the District Intelligence Officers are permitted to dictate to Distric Magistrates in these matters?

Mr. SPEAKER: Where is the "dictation", that you refer to, in this question?

Mr. PROMATHA RANJAN THAKUR: It is so, Sir, impliedly in answer (*e*).

Mr. SPEAKER: I disallow it.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state the reasons which prompted the District Magistrate to pass the orders referred to in question (*e*) and the date, whether it was after the arrival of the District Magistrate of Faridpur referred to in question (*c*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got the dates in my possession. As far as the reasons are concerned, Sir, I think there also I have not got any information, but I believe that it must be in exercise of the powers conferred upon him under the Act.

The Registrar, Co-operative Societies, Bengal.

***317. Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the term of office of the Registrar of Co-operative Societies, Bengal, is fixed at five years?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when will the term of office of the present incumbent of the post expire?

(*c*) How long has the present incumbent been in the department?

(*d*) Is it a fact that there is a report about the present incumbent by Mr. Darling?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the said report?

(*f*) Is it a fact that there is a feeling of discontent among the departmental staff over the matter of promotions and appointments given by the present incumbent?

(*g*) Will the Hon'ble Minister be pleased to state whether there are any relatives of the present incumbent in the department?

(*h*) If the answer to (*g*) is in the affirmative, what are the names of such officers?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Not necessarily.

(*b*) Does not arise.

(*c*) The member is referred to the Civil List.

(*d*) and (*e*) Mr. Darling's report is confidential and the contents cannot be disclosed.

(*f*) No.

(*g*) Yes, two who are connections by marriage.

(*h*) Their names are—Maulvi Syed Bedar Bakht and Maulvi Abdul Wadood.

Mr. SIBNATH BANERJEE: This is my opinion, Sir. I want to point out to you, Sir, that my original question has been mutilated beyond recognition. May I submit that if questions are changed or mutilated it is only meet and fair that we should be informed of this in good time?

Mr. SPEAKER: I hope Mr. Banerjee will realise the difficulty of the Assembly staff who have had to deal with about 600 questions and with more than 1,750 amendments to the Bengal Tenancy Act (Amendment) Bill this Session. The only alternative would simply be to plead that it is humanly impossible to deal with so many things at one time.

Mr. SIBNATH BANERJEE: I only wanted to know, Sir, why some parts of my question had been dropped out?

Mr. SPEAKER: Well, I cannot say that just now.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state what were the respective claims and qualifications of these two officers and who was the Registrar at the time when these two officers were appointed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as Maulvi Syed Bedar Bakht is concerned, he was originally in service in the office of the Veterinary Adviser to the Government. He was retrenched and thereafter his services were placed at the disposal of the Finance Department, and on the recommendation of that department he was appointed to this office in 1932 when Rai S. K. Ganguli Bahadur was the Registrar.

With regard to Maulvi Abdul Wadood, he was appointed in 192 on the result of the competitive examination held by the Bengal Co operative Organisation Society for recruitment when Rai Jamin Mohan Mitra Bahadur was the Registrar of Co-operative Societies.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased t state whether there is any rule which debars relations of Governmen officers being appointed in Government offices?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not tha I know of.

Mr. A. M. ABDUL HAMID: Will the Hon'ble Minister be pleased to state whether during the term of the present Registrar the administration of the department greatly deteriorated?

Mr. SPEAKER: The question does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if he is aware that the relatives of Government officers in every department are given preference in appointments?

Mr. SPEAKER: You have already got the answer.

Mr. SIBNATH BANERJEE: Sir, may I ask supplementary questions on my question?

Mr. SPEAKER: I do not know what are the questions.

Mr. SIBNATH BANERJEE: They refer to the Superintendent of the milk societies.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have answered that question and I expected it to have come up before the House to-day. I think, however, it will come on soon.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state what substantive posts are held by the two gentlemen referred to in his answer (h)?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: They are auditors in the department.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state when the term of office of the Registrar, Co-operative Societies, will expire?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not know.

Detenu Mr. Satindra Nath Sen.

*318. **Mr. JOGESH CHANDRA GUPTA:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home (Special) Department been drawn to the present state of health of Mr. Satindra Nath Sen, a detenu, now in the Suri Hospital in the district of Birbhum?

(*b*) Is the Hon'ble Minister aware that Mr. Sen is suffering from throat troubles, abnormal pulse beat, functional disturbance of heart and defects in the apex of the heart?

(*c*) Will the Hon'ble Minister be pleased to state whether any electro-cardiogram was taken, and, if so, with what result?

(*d*) Will the Hon'ble Minister be pleased to state whether Mr. Sen has been examined by the Civil Surgeon at Suri, and, if so, will he be pleased to place the report on the table?

(*e*) Will the Hon'ble Minister be pleased to state if Government consider the desirability of bringing the detenu down to Calcutta for adequate treatment?

(*f*) Is the Hon'ble Minister aware that on the 17th July last and again early this month Mr. Sen's younger brother, Mr. Abinash Sen, applied to the Deputy Inspector-General, Intelligence Branch, for an interview with him; if so, with what result?

(*g*) Is the Hon'ble Minister aware that since the detenu's transfer from the Punjab to Bengal on the 2nd of July last no permission to any of his relatives to interview him either in the Presidency Jail or the Suri Hospital or the village of his domicile has been granted?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state the grounds therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Yes to some extent. His heart sounds are normal.

(*c*) The specialist who examined him in Calcutta did not consider an electro-cardiogram to be necessary.

(*d*) The answer to the first part of the question is in the affirmative, and the answer to the second is in the negative.

(*e*) Orders have been issued for his further examination in th Medical College Hospital, Calcutta.

(*f*) to (*h*) His brother has been permitted to interview the detenu

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Ministe be pleased to state what are the reasons for not placing upon th table the Civil Surgeon's report?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have stated many times these private things are never placed on the table.

Mr. SASANKA SEKHAR SANYAL: Are we to understand tha the health of a detenu is private?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly in many cases it is confidential.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Ministe be pleased to state whether the Civil Surgeon's report is disquieting or otherwise?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state when he is likely to be brought to the Medical College?

The Hon'ble Khwaja Sir NAZIMUDDIN: I refer the honourable member to answer (*e*). He did not want to go to that institution that is the latest news.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state what are the reasons of Mr. Sen's refusal to come to Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know.

Order of restraint on Babu Sudhir Chandra Sen.

***319. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that an order of restraint under rule 16A of the Bengal Suppression of Terrorist Outrages Rules was served by the District Magistrate of Faridpur on the 19th January, 1936, upon Babu Sudhir Chandra Sen of Dighirpar police-station Kotwalipara?

(*b*) Is it a fact that at the time of the service of that order upon him Babu Sudhir Chandra Sen had been a nominated member of the Pinjury Union Board, Bench and Court, and also a member of the Board of Management of Dighirpar Government-Aided Girls' School?

(*c*) Is it a fact that subsequently he was prosecuted under section 36 of the Bengal Suppression of Terrorist Outrages Act on the charge that he had been the Secretary of an institution which had a reading library containing a copy of "Terence MacSweeney" by Mr. Arun Guha?

(*d*) Is the Hon'ble Minister aware that the Sessions Judge of Faridpur acquitted him of the charge against him on the 9th January, 1937, and that in his judgment in the Criminal Appeal No. 212 of 1936 found that Babu Sudhir Chandra Sen "was not a terrorist" and "had no sympathy with the terrorist movement"?

(*e*) Has the attention of the Hon'ble Minister been drawn to the defence in that case that Dr. D. N. Sen, the Editor in charge of *Advance* and elder brother of the said Babu Sudhir Chandra Sen, in articles published in *Advance* on 25th October and 18th, 23rd, 24th and 28th November, 1935, made scantling criticisms of the police administration in the district of Faridpur?

(*f*) Is the Hon'ble Minister aware that the defence in the aforesaid case produced a letter before the Special Magistrate's Court in the handwriting of a prosecution witness alleging that the witness had been tutored by the police to make false statements against the accused?

(*g*) If the answer to clause (*f*) is in the affirmative, will the Hon'ble Minister be pleased to place on the table a copy of that letter together with the Appellate Sessions Court's remarks thereon?

(*h*) Is it a fact that on the 18th January, 1937, only nine days after his acquittal, a fresh order of restraint in continuation of the previous order was served on the said Babu Sudhir Chandra Sen and that he is still under restraint?

(*i*) Is the Hon'ble Minister considering the desirability of withdrawing the fresh order of restraint upon the said Babu Sudhir Chandra Sen? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) Yes.

(*d*) Yes, but he had before him only the evidence in the case which he was hearing.

(*e*) I understand this is so.

(*f*) Yes. This is not an uncommon device when a witness becomes hostile.

(*g*) Yes, a copy of the letter is placed on the Library table. Cop of the judgment can be obtained in the usual manner.

(*h*) Yes.

(*i*) I am not prepared to interfere with the order, the continuanc of which is considered necessary by the officer who passed it.

Dr. NALINAKSHA SANYAL: In part (*g*) of the question asked the Hon'ble Minister to place on the table copy of the lett together with the appellate sessions court's remarks thereon. Th letter was placed but the remarks of the appellate court was not placed So this is an incomplete letter——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of orde Sir. The impression that the honourable member is trying to con vey is very wrong. In the reply it is said that the copy of the lett is placed on the table and the judgment can be obtained in the usua manner. At any rate, if he so wishes he would get a copy in the usua manner——

Dr. NALINAKSHA SANYAL: The question of judgment doe not arise——

Mr. SPEAKER: Unfortunately, Dr. Sanyal, your point was no what I thought it to be. Now I find that your request was to plac a copy of the sessions court's judgment: the remarks must be in th judgment itself. The answer says that a copy of the letter is place and a copy of the judgment can be obtained in the usual manner; an Government has not placed the judgment on the table. I have go absoluately no hand in the matter. It is for you to decide the matte in the House.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister b pleased to state what his implication of the answer (*d*)?

The Hon'ble Khawaja Sir NAZIMUDDIN: The implication o the answer is that when a person is tried for an alleged particula crime, the evidence relevant to that is placed before the Judge; an when a person is detained, then there are evidences and other action of the same person which may not have been placed before the Session Judge but is available to the Government.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister b pleased to state whether the judgment of the Sessions Judge is no entitled to any respect?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have clearly explained and I do not think that arises out of this question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Sessions Judge concerned actually declared this particular gentlemen not a terrorist in course of a case where he was charged under the Bengal Suppression of Terrorist Outrages Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so. But as I have explained, when Government take action under the Bengal Criminal Law Amendment Act they have got various evidences in their possession which they cannot put up, because they are not relevant to the particular charge.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the evidence referred to by the Hon'ble Minister is of the character that is revealed in the letter laid on the table?

(Here the member read out some Bengali passages.)

Mr. SPEAKER: You cannot read it here.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is an argument and not question.

Dr. NALINAKSHA SANYAL: Is this the character of evidence which was not placed before the Judge?

The Hon'ble Khwaja Sir NAZIMUDDIN: Out of 12 witnesses he was one of those who retracted his evidence and put out in that letter.

Maulvi ABUL QUASEM: With regard to answer (*d*), will the Hon'ble Minister be pleased to state the name of the Judge?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry I do not know it.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that this particular witness, while in examination-in-chief, did not depose against the accused in the first day?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe that is correct.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minist aware that on the day of cross-examination he said something again the accused?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is quite true.

Mr. SURENDRA NATH BISWAS: How does the Hon'b Minister say that "This is not an uncommon device when a witness b comes hostile" when on the day of cross-examination there is nothin against the accused?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Hon'ble membe ought to remember that he was treated as a hostile witness by th Sessions Judge.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Ministe aware that the Sessions Judge considered many facts, not only th evidence about the books but other evidences also were put up befor the Sessions Judge.

Mr. SPEAKER: Mr. Biswas, your question hardly arises, because the Judge according to the Hon'ble Minister decided the case on facts and circumstances he had before him. Have you got anything further to say?

Mr. SURENDRA NATH BISWAS: The Hon'ble Ministe wanted to say only the facts relating to possession of the books——

Mr. SPEAKER: Order, order. He did not say that.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Ministe be pleased to state what were the other facts which were not put up before the Judge?

Mr. SPEAKER: No argument, please.

The Hon'ble Khwaja Sir NAZIMUDDIN: Those are the facts on which Government took action.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if the Sessions Judge passed any remarks on the letter referred to in sub-clause (*f*) of the question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot remember he passed any remarks.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the gentleman was restrained on facts which came into the possession of Government previous to his acquittal or after his acquittal?

The Hon'ble Khwaja Sir NAZIMUDDIN: May be both.

Mr. Muzzaffar Ahmad.

***320. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state wehther it is a fact—

(*i*) that Mr. Muzzaffar Ahmad, the well-known leader of the all-India working class movement, is constantly shadowed by the police and kept under constant surveillance; and

(*ii*) that police cars numbered 42432, 42433 and 37584 are stationed at his door permanently to follow him day and night?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) since when is this constant watch being exercised over him;

(*ii*) how many officers and watchers have been detailed on duty for this purpose;

(*iii*) what is the average daily cost of this watch including the expenses of the motor-car, driver, petrol, watchers and other staff employed for this purpose;

(*iv*) from which item of the budget are such expenses defrayed; and

(*v*) the reasons for this elaborate and expensive surveillance on Mr. Muzzaffar Ahmad?

(*c*) Is the Hon'ble Minister aware that this is causing extreme harassment to Mr. Muzzaffar Ahmad and depriving him of his elementary civil liberty as a free citizen?

(*d*) If the answer to (*c*) is in the affirmative, is the Hon'ble Minister considering the desirability of withdrawing this watch at once? If not, why not?

(*e*) Will the Hon'ble Minister be pleased to state whether this is the only case of a free citizen being kept under surveillance?

(*f*) If the answer to (*e*) is in the negative, will the Hon'ble Minister be pleased to state what the total number of such free citizens is in the province who are kept under police surveillance, and the total cost involved?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am informed that owi to the nature of his activities Mr. Muzaffar Ahmad is kept und surveillance, the degree of which varies from time to time and place place. Information regarding details is not readily available and regret it cannot be compiled without an undue expenditure of time a labour.

I would like, however, to remove any mistaken idea from the mind the hon'ble member that there is any interference with the ci liberty of Mr. Ahmad.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister pleased to state what are the activities for which Mr. Muzzaffar Ahm has been kept under surveillance.

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe because belongs to a group which preach revolution by violence.

Mr. SIBNATH BANERJEE: Is it for any activities on his p that he is restrained or for his belief?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I ask for notice.

Khan Sahib Maulvi S. ABDUR RAUF: Has he committed a criminal offence?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. B. MUKHERJEE: Will the Hon'ble Minister be pleased state with reference to question (*ii*), whether three cars are alwa kept in readiness in front of his house to watch his movement?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think thr cars are kept standing but there may be one car.

Mr. B. MUKHERJEE: Will the Hon'ble Minister be pleased state if it is not depriving of Mr. Muzzaffar Ahmad's civil liberty if is shadowed every time, day and night, when he goes out?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so, Sir

Employees in the Boiler Service.

***321. Maulana MD. ABDUL AZIZ:** (*a*) Will the Hon'b Minister in charge of the Commerce and Labour Department be pleas to lay on the table a statement showing for the present the followi particulars:—

(*i*) total number of employees in the Boiler Service includi clerks, etc.;

(*ii*) their grades;

(*iii*) total number of Hindus and Muslims in each grade; and

(*iv*) the number of Boiler Inspectors appointed in 1936 from Muslims and Hindus?

(*b*) Will the Hon'ble Minister be pleased to state whether any vacancy has recently occurred in the Bengal Boiler Service?

(*c*) If the answer to (*b*) is in the affirmative, does the Hon'ble Minister propose taking in that vacancy a qualified Muslim?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) how many boilers are there in East and North Bengal; and

(*ii*) whether the Hon'ble Minister proposes to start a branch office for those areas?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) A statement is placed on the table.

(*b*) No.

(*c*) Does not arise.

(*d*) (*i*) Number of boilers in East Bengal—178, and in North Bengal —384.

(*ii*) No.

Statement referred to in the answer to clause (a) of starred question No. 321.

Total number of employees.	Grades.	Number of Hindus.	Number of Muslims.
1 Chief Inspector ..	Rs. 1,050—100—1,550 ..	Nil ..	Nil.
7 Inspectors ..	Rs. 225—25/2—275—50/2—375—25/2—450—50/2—650 (Revised).	2 (including 1 temporary appointment in deputation vacancy).	Nil.
1 Superintendent ..	Rs. 180—10—270 ..	1	Nil.
2 Clerks ..	Rs. 100—8/2—116—6/2—140 (Revised).	2	Nil.
1 Cashier ..	Rs. 90—10/2—110—5/2—120—10/2—130 (Revised).	1	Nil.
10 Clerks ..	Rs. 40—40—45—5/2—75—3/2—90 (Revised).	6	
2 Typists ..	Rs. 45—5/2—70 (Revised).	Nil ..	2

Number of Boiler Inspectors appointed in 1936.	Number of Hindus.	Number of Muslims.
2 (Temporary) ..	2	Nil.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister pleased to state whether any Muslim was ever appointed in th department as Chief Inspector, Inspector, Superintendent or even as clerk in the grade of Rs. 100—140?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable mem ber is asking information from the beginning of time and it is n possible for me to give him that information.

Maulana MD. ABDUL AZIZ: Will the Hon'ble Minister pleased to state whether he does not consider it desirable to appoint Inspector for the East and North Bengal in view of the fact that t number of boilers there are about 500?

The Hon'ble Mr. H. S. SUHRAWARDY: The boilers in Ea and North Bengal are comparatively few in number and season inspections are being made at a time when they are more or less not use. Therefore if an Inspector is appointed there, he will not ha work for the whole year and the expenses of the Inspector will lead an increase in the charge for boiler inspection.

Cancellation of gun licences of certain gentlemen of Midnapore.

***322. Mr. KISHORI PATI ROY:** (*a*) Will the Hon'ble Ministe in charge of the Home (Police) Department be pleased to state whethe the gun licences of the following gentlemen, among others, of Ghatal Dasspore and Chandrakona police-stations in the subdivision of Ghata in the district of Midnapore, have been cancelled just after the las election:—

(1) Babu Nabakumar Bhukta,
(2) Babu Gosta Behari Laha,
(3) Babu Pasupati Roy,
(4) Babu Kshetra Mohan Mukherjee,
(5) Babu Anukul Chandra Har,
(6) Babu Anath Nath Mittra,
(7) Babu Debendra Nath Roy,
(8) Babu Surendra Nath Chakravarty,
(9) Babu Bibhuti Bhusan Chakravarty
(10) Babu Chittaranjan Khan,
(11) Babu Ramkrishna Karak, and
(12) Babu Biswanath Roy?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons therefor; and

(*ii*) whether the original licences were granted for self-preservation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Babu Nabakumar Bhukta and Chittaranjan Khan had no licences. The licence of Babu Anath Nath Mittra was not cancelled. The dates of cancellation of the licences of the others are noted below *seriatim*—

Police-station Ghatal—

(2) 21st January, 1936.

(3) 21st January, 1936.

(4) 9th March, 1937.

Ghatal—

(5) 9th March, 1937.

Chandrakona—

(7) 25th March, 1937.

(8) 6th March, 1937.

(9) 6th March, 1937.

(11) 9th March, 1937.

(12) 9th March, 1937.

(*b*) (*i*) The question does not arise with regard to Nos. 1, 6 and 10. Licences were cancelled in the other cases by the District Magistrate for the security of the public peace in exercise of the powers vested in him under section 18 of the Indian Arms Act, 1878.

(*ii*) In the majority of cases the licences were primarily granted for sport.

Mr. KISHORI PATI ROY: Will the Hon'ble Minister be pleased to state, with reference to answer (*b*)(*i*), when the occasion for the security of the public peace arose?

The Hon'ble Khwaja Sir NAZIMUDDIN: At the time when the licenses were cancelled.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that gun licenses are mostly cancelled if the licensee happens to incur the displeasure of the local police officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minist repudiate the suggestion made in this question that these gun licens were cancelled as a result of some of the licensees having taken pa in the elections in favour of the congress?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it correct.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'l Minister be pleased to state if these gentlemen whose licenses we cancelled were ever prosecuted for breaking public peace?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Alleged high-handedness on Muslims of Chittagong.

***323 and *324. Khan Sahib Maulana AHMED ALI ENAYETPUR and Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is th Hon'ble Minister in charge of the Home (Police) Department aware-

(*i*) that the Islam Association, District Muslim League and a mas meeting of the Mussalmans of Chittagong sent various repre sentations to Government;

(*ii*) that no enquiry was held and no reply was given to th representations;

(*iii*) that the Muslim houses at Alkaran including that of th Chairman of the municipality were surrounded and searche by the police and the military;

(*iv*) that hundreds of Mussalmans of the Mirsari thana complained to the Divisional Commissioner, in December, 1934, about searches of their houses by the military and molestation of their women;

(*v*) that several Muslim youths of Chittagong have been interned as terrorists;

(*vi*) that Khan Sahib Omra Mia was twice prosecuted but was each time honourably acquitted;

(*vii*) that Muslim tenants of the *zemindar* of Moiscal Island had to take shelter in the hills being pursued by a punitive armed police expedition in connection with a rioting case in 1934,

(*viii*) that a Muslim Sub-Inspector, Badaruddin, was forced to proceed on long leave by a Hindu Inspector;

(*ix*) that in a printed farewell address read on the occasion of Hands' pavilion in Chittagong, the Hindus described the District Magistrate, as the "saviour of Hindus" and the then Subdivisional Officer as his only "confederate";

(*x*) that the said Subdivisional Officer was kept at Chittagong for nearly 7 years in spite of various representations by the Muslims; and

(*xi*) that after the transfer the power of the Subdivisional Officer was given to the Subdivisional Officer "B" and not to his Muslim successor Subdivisional Officer "A"?

(*b*) If the answers to (*a*) are in the affirmative, what actions, if any, were taken in these matters?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) I have no information.

(*ii*) Does not arise.

(*iii*) Yes.

(*iv*) No.

(*v*) Only two.

(*vi*) Yes.

(*vii*) and (*viii*) No.

(*ix*) There is no record of this and no copy of the address referred to is available.

(*x*) I have no information about the representations. The Subdivisional Officer was posted at Chittagong from the 15th February, 1929, to the 9th July, 1935, in the public interest.

(*xi*) No.

(*b*) Does not arise.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state for what offences these two Moslem youths were interned and under what sections?

The Hon'ble Khwaja Sir NAZIMUDDIN: They came under section 2(*i*) of the Bengal Criminal Law Amendment Act.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state who was the District Intelligence Branch officer at that time at Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister pleased to state whether the question put by my friend will be tak as a notice of that question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would like a prop notice to be given.

Mr. ABDULLA-AL MAHMOOD: With regard to answ (*a*)(*iii*), will the Hon'ble Minister be pleased to state on what groun the house of the Chairman was surrounded and searched and wheth any incriminating things were found in his house?

The Hon'ble Khwaja Sir NAZIMUDDIN: Speaking from memo I think the whole area was surrounded and the Chairman's house w in that area.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased t state if it is a fact that Khan Sahib Omra Mia assisted some raiders the armoury raid and as a result thereof he was falsely prosecute twice by the local police of Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think th suggestion is correct.

Mr. SHAH ABDUR RAUF: With reference to answer (*a*)(*i*) will the Hon'ble Minister enquire about the representations alleged t have been sent to Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not possible at this time to rake up those representations that were sent at that time, as the incidents happened two or three years ago.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister kindly state whether when Khan Sahib Omra Mia was prosecuted he was defended by our Hon'ble Chief Minister and the case was found to be untrue?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know whether the Chief Minister appeared on his behalf, but the case was found to be untrue.

Debt Settlement Board at Shilmuri Union, Tippera.

*325. **Mr. ASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state the reasons why no Debt Settlement Board has yet been formed at Shilmuri Union No. 12, police-station Chandina in the district of Tippera?

(*b*) Is it a fact that in an open public meeting, convened for the purpose, the Subdivisional Officer, Comilla, Sadar South, with the Circle Officer and Special Officer selected certain persons to be members and Chairman of the proposed Shilmuri Debt Settlement Board?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the names of the persons selected;

(*ii*) the reason for the delay even after selection; and

(*iii*) whether the Government are considering the desirability of establishing immediately a Debt Settlement Board in the Shilmuri Union with the persons selected as members and Chairman?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Because enquiries had to be made locally several times about the members of the proposed Board at Shilmuri. The inhabitants of the union are at liberty to file application before the Laksham Special Board.

(*b*) No; no public meeting was called for such a purpose.

(*c*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how many enquiries were made by the members of the past board and when the first enquiry was made?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Debt Settlement Board in Bakarganj district.

*326. **Mr. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether Debt Settlement Boards have been established in all the unions of the Bakarganj district?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minis be pleased to state—

(*i*) how many unions have not got such boards in their own unio and

(*ii*) when do the Government intend establishing Debt Settleme Boards in those unions?

(*c*) Are the agricultural debtors in those unions to wait for t establishment of boards in their unions or have arrangements been ma so that their applications can be filed in any other board?

(*d*) Is it a fact—

(*i*) that the Subdivisional Officer of Pirojpur has instructed t Chairmen of the ordinary boards to note in their final orde the consent of both parties whether the parties actually gi their consent or not; and

(*ii*) that many aggrieved parties are being deprived of their righ of appeal?

(*e*) If the answer to (*d*) is in the affirmative, are the Governme considering the desirability of taking immediate steps in the matte

(*f*) Do the Government intend directing that in the case of an am cable settlement or in a settlement in which both parties agree, a co promise petition duly signed by the parties should be taken as a saf guard?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) No.

(*b*) (*i*) 123.

(*ii*) As and when local authorities recommend.

(*c*) No, they can file applications before a Special Board. Fo Special Boards have been established in 4 subdivisions.

(*d*) (*i*) No.

(*ii*) and (*e*) Do not arise.

(*f*) No; the Act does not provide for such a course.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'bl Minister be pleased to state why he does not consider it desirable t direct that in the case of an amicable settlement a compromise petitio duly signed by the parties should be taken as a safeguard?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I hav already answered that question that there is no such provision.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether these things are governed by the provisions of the Act or by the provisions of the rules made under the Act?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the hon'ble member to the Act and to the rules framed thereunder.

Shed attached to the Registration offices at Dinajpur Sadar.

*327. **Maulvi ABDUL JABBAR:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware that there is no shed attached to the Registration offices at Dinajpur Sadar, for protecting the persons having business to transact there from the inclemencies of the weather?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking early steps in the matter?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) With your leave I shall modify the answer. The answer that is printed that "Government are not aware that any inconvenience is felt" was the departmental information. Since I signed that order I have received representations about inconvenience from several quarters and it would not be true to say that Government are not aware that inconvenience is felt. I will enquire into the matter.

Creation of Marriage Registrar's office for certain thanas within the Netrokona subdivision in Mymensingh.

*328. **Mr. ABUL HOSAIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state the number of Muhammadan population in thanas Mohonganj, Kalmakanda, Madan and Atpara (separately) within Netrokona subdivision of the district of Mymensingh with their respective areas?

(*b*) Is it a fact that there is no Muhammadan Marriage Registrar's office in any of the thanas stated above?

(*c*) Is it a fact that all the thanas named above are comprised of low-lying lands without any good communications therein?

(*d*) Is it a fact that Muhammadans of those thanas suffer a great deal of hardship in getting their marriages and divorces registered?

(*e*) If so, is the Hon'ble Minister considering the desirability creating a Marriage Registrar's office in each of those thanas in near future?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*)—

Name of thana.	Population.	Area.
1. Mohanganj	... 35,686	93·92
2. Kalmakanda	... 35,131	160·16
3. Madan	... 119,799	101·86
4. Atpara	... 45,387	71·66

(*b*) Yes. The position is that the police-stations of Mohanganj a Atpara are comprised within the jurisdiction of the Muhammad Registrar of Barhatta. The police-station of Madan is included with the *elaka* of the Muhammadan Registrar of Kendua while the poli station of Kalmakanda is included within the *elaka* of the Muha madan Registrar of Durgapur.

(*c*) I have no information about that.

(*d*) No complaint in this respect has been received by Government

(*e*) The question will be referred to the District Registrar and acti will be taken on receipt of his report.

Mazdoor-Kisan Samiti, Chittagong.

***329. Mr. B. MUKHERJEE:** (*a*) Is the Hon'ble Minister charge of the Home (Political) Department aware—

(*i*) that the Mazdoor-Kisan Samiti was formed in Chittagong i December 1936; and

(*ii*) that a letter written by Mr. Pulin Behari Bhattacharjee, pu lished in the *Ananda Bazar Patrika* of the 6th July, 193 under the caption "Police Regime in Chittagong"?

(*b*) Is it a fact that the police there have been interrogating an otherwise harassing members of the Samiti?

(*c*) Is it a fact that the police have by threats or otherwise com pelled members of the said Samiti to sign declarations that they woul not henceforward have anything to do with the Samiti?

(*d*) Is it a fact that on the refusal of certain members of the Samit to sign such declarations, the police threatened them with orders o internment and externment?

(*e*) Is it a fact that the police have brought undue pressure and influence to bear on the landlord of the premises where the office of the Samiti was situated and threatened him with forfeiture of his property?

(*f*) Is it a fact that the police have succeeded in compelling the landlord to eject the Samiti from his buildings by such threats and pressure?

(*g*) Is it a fact that the police are picketing the shop of Narendra Nath Pantha, a member of the Mazdoor-Kisan Samiti?

(*h*) Is it a fact that they are interrogating and threatening the customers of Mr. Narendra Nath Pantha if they continue to purchase from his shop?

(*i*) Is it a fact that the police are bringing undue pressure to bear on the owner of the premises of the shop to compel him to eject Narendra Nath Pantha from them?

(*j*) Will the Hon'ble Minister be pleased to state whether he is aware of the grounds and instructions upon which such actions have been taken by the police?

(*k*) Is the Hon'ble Minister also aware that the Chittagong Mazdoor-Kisan Samiti is a perfectly legal organisation?

(*l*) Will the Hon'ble Minister be pleased to state what protection would he afford to the said Samiti and its members?

(*m*) Is the Hon'ble Minister considering the desirability of putting a check to such harassment by the police to the members of the Samiti?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) I have no information when this group was formed.

(*ii*) Yes.

(*b*) Members of the Samiti suspected of being connected with terrorism have been interrogated.

(*c*) to (*e*) No.

(*f*) Does not arise.

(*g*) and (*h*) This person's shop was a resort of terrorists and was therefore watched.

(*i*) No.

(*j*) Does not arise.

(*k*) to (*m*) There are grounds for believing that the association includes persons connected with terrorism, and it is the duty of the police to keep such persons under surveillance.

Mr. B. MUKHERJEE: (Put a supplementary question in Beng a translation of which is as follows):—

With reference to (*e*) and (*f*), is the Hon'ble Minister aware t the landlord ejected the Samity Office from the said premises, if by undue pressure of the police at least at their instance or requ a sort of mild pressure?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing furt to add to what I have already stated.

Mr. B. MUKHERJEE: (The following is the translation o supplementary question put in Bengali):—

With regard to (*g*) and (*h*), will the Hon'ble Minister be plea to state since when the shop of Mr. Narendra Nath Panth was be picketted by the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. B. MUKHERJEE: (The following is a translation of a supp mentary question put in Bengali):—

Is the Hon'ble Minister aware that the police began to picket shop only since Mr. Panth became a member of the Mazdoor Ki Samity?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

South Suburban Municipality.

***330 to *332. Mr. ABDULLA-AL-MAHMOOD, Maulvi ABDU BARI and Mr. BIRAT CHANDRA MANDAL:** (*a*) Will the Hon'l Minister in charge of the Local Self-Government Department be pleas to state whether he is aware that—

(*i*) the assessment of some of the wards of the South Suburb Municipality was made by person other than the assess appointed by the said municipality;

(*ii*) the whole assessment has been declared illegal and *ultra vire* and

(*iii*) the rate-payers of the said municipality sent a representation the District Magistrate, 24-Parganas, regarding the prese administration of the said municipality?

(*b*) If the answers to (*a*) are in the affirmative, what action, if an the Government propose to take in the matter?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) (*i*) The assessment of some of the wards was made by a person who was not appointed by the Commissioners at a meeting as required by section 145 of the Bengal Municipal Act.

(*ii*) Assessment in respect of four holdings only has been declared illegal. As regards assessment in respect of other holdings, the matter is *sub judice* in a representative suit before the Subordinate Judge.

(*iii*) Yes.

(*b*) I propose to direct an enquiry to be made.

Mr. ABDULLA-AL MAHMOOD: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state whether the assessment made by the person who was not appointed by the Commissioners at a meeting as required by section 145 of the Bengal Municipal Act is illegal and *ultra vires*?

The Hon'ble Maulvi SYED NAUSHER ALI: That is a question of opinion.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the said municipality is still realising taxes based on that illegal assessment?

The Hon'ble Maulvi SYED NAUSHER ALI: Not that I am aware of.

Maulvi ABDUL LATIF BISWAS: Is it a fact that the assessment declared illegal was made in the presence of Mr. Biren Roy, the Chairman of the municipality?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware.

Maulvi ABDUL LATIF BISWAS: Is it a fact that a representation has been made to the Hon'ble Minister to the effect that the money received from Motor Vehicles Tax has not been spent on the roads earmarked for the purpose and that it is being spent on the other roads by the Chairman?

The Hon'ble Maulvi SYED NAUSHER ALI: A deputation waited on me and they did make a representation to that effect.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that t Subordinate Judge of 24-Parganas with respect to this assessment h declared that the assessment of each of these two wards taken togeth constituted a complete assessment?

The Hon'ble Maulvi SYED NAUSHER ALI: I have not go through the judgment.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minist be pleased to tell us the approximate time when the proposed enqui may be finished?

The Hon'ble Maulvi SYED NAUSHER ALI: I am afraid I cann give any time-limit.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minist be pleased to tell us whether the proposed enquiry will be made by th District Magistrate or by the departmental head?

The Hon'ble Maulvi SYED NAUSHER ALI: I have not yet decide as to who should hold the enquiry.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister b pleased to state where the present Municipal Board is wasting publi money on litigation?

The Hon'ble Maulvi SYED NAUSHER ALI: That is more than I can say.

Bodhana Samity at Belghurria.

***333. Mr. DEBI PROSAD KHAITAN:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) of the work that is being done, for the cause of the feeble-minded, by the Bodhana Samity; and

(*ii*) that the Bodhana Samity has been running a Home for feeble-minded children at Belghurria, which has pupils coming from different parts of India, and following different religions, e.g., Hinduism, Muhammadanism, Christianity

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) what steps, if any, have been taken by the Department to help this Samity in the work undertaken by it; and

(*ii*) if he will consider the desirability of making suitable grants to this Samity, so that the mental health of those children be improved, and the Samity may have better opportunity of tackling feeble-mindedness.

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Government are aware that the Bodhana Samity conducts a Home for feeble-minded children at Belghurria.

(*b*) So far as I am aware no application for help has been submitted to Government by the Samity. If any such application is received, it will receive due consideration.

Drinking water-supply in Mymensingh.

*334. **Mr. MONMOHAN DAS:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that the people of the Mymensingh district are greatly in need of pure drinking water;

(*ii*) that in many rural areas great hardship was felt during the last long drought for want of drinking water; and

(*iii*) that the people are still in need of pure drinking water?

(*b*) Is the Hon'ble Minister considering the desirability of taking necessary steps to sink tube wells in the affected area of the district?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*), (*i*) and (*iii*) Yes, as in many other districts.

(*ii*) In case of drought there must have been great hardship, but Government have no official information on this point.

(*b*) A statement is laid on the table showing the number of tube wells, masonry wells, ring wells sunk and tanks excavated out of the District Fund, the Government grant (including allotment from the Government of India's Rural Uplift Grant) in 1935-36 and 1936-37. The Commissioner of the Dacca Division has reported that out of Government grant for the first six months of 1937-38 it is proposed to sink 37 tube wells, 1 masonry well and 8 ferro-concrete wells in the district

Statement referred to in the reply to clause (b) of starred question No. 334.

	Tube wells.		Masonry wells.		Ring wells.	Tanks.
	From District Fund.	From Government grant.	From District Fund.	From Government grant.	From Government grant.	From District Fund.
1935-36 ..	300	55	136	2	3	
1936-37 ..	827	171	258	6	12	

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister b pleased to state the allotment made for water-supply for the district o Mymensingh out of the Government grant for the year 1937-38?

The Hon'ble Maulvi SYED NAUSHER ALI: Allotments are mad to Divisional Commissioners and the Divisional Commissioner grant sums for specific projects; consequently I cannot say what allotment will fall to the lot of Mymensingh.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state with reference to answer (*b*), who will select the site of the 37 tube-wells?

The Hon'ble Maulvi SYED NAUSHER ALI: I require notice.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Detenu Sj. Satindra Nath Sen.

296. Mr. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact that Sj. Satindra Nath Sen has been suffering from various diseases for a long time?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state, what arrangement, if any, has been made for his treatment?

(*c*) Is it a fact that he has been transferred to a village in the Birbhum district from the Presidency Jail?

(*d*) Is it a fact that better treatment can be arranged in a village rather than in Calcutta?

(*e*) If the answer to clause (*d*) is in the negative, will the Hon'ble Minister be pleased to state what is the reason of his transfer from the Presidency Jail?

(*f*) Will the Hon'ble Minister consider the desirability of releasing Sj. Satindra Nath Sen in view of the present state of health and his creed of non-violence?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*e*) The hon'ble member's attention is invited to the reply which I have given to the starred question asked by Mr. J. C. Gupta on the same subject.

(*f*) I have not seen any indications whatsoever that the detenu is prepared to sever his connection with terrorism; and he cannot be released so long as he continues to be a source of public danger.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the reasons why this detenu was transferred from the Presidency Jail to a village where he has been suffering for a long time from various diseases?

The Hon'ble Khwaja Sir NAZIMUDDIN: Very likely at that time the medical officer did not think it necessary for him to remain in the Presidency Jail for treatment.

Mr. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the Surgeon-Superintendent of the Calcutta Medical Hospital came to the decision that he should be detained in Calcutta for treatment.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that; if it is so I will look into it again.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether any questions were ever put to this detenu by Government regarding his alleged connection with terrorism?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know anything about any specific question, but he has been interviewed from time to time like all other detenus.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if any charges were framed against him and, if so, if a copy of the charges was handed over to him at any time?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe a copy of the usual charge must have been given to him when he was arrested under the Bengal Criminal Law Amendment Act.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister pleased to state whether in the case of every person detained under t Bengal Criminal Law Amendment Act a copy of the charges is hand over to the prisoner?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe so. I may s and there should be no misunderstanding on this point that accordi to the provisions of the Bengal Criminal Law Amendment Act, a co of the charge or statement of the case whatever you may call it given to the detenu.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister pleased to state that in the case of State prisoners and detenus und the Bengal Criminal Law Amendment Act, for the last two year charges have not been framed against many persons and copies charges have not been made over to them?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am awa I do not think it is correct. I do not know about Regulation II prisoners.

Formation of a fishermen's co-operative society at Chandpur, Tippe

297. Mr. DHIRENDRA NATH DATTA: (*a*) Will the Hon'bl Minister in charge of the Co-operative Credit and Rural Indebtedne Department be pleased to state that if it is a fact that a fishermen' co-operative society, viz., Bangiya Matsajibi Samabaya Samity, wa formed at Chandpur in the district of Tippera in the year 1935 an bye-laws of the Samity were framed on the basis of model bye-laws c the fishermen's co-operative society with limited liabilities framed b the Government of Bengal in the Co-operative Department?

(*b*) Are the Government aware that the bye-laws were duly scruti nised and approved of by the Bengal Co-operative Organisation Society

(*c*) If the answer to clauses (*a*) and (*b*) are in the affirmative, is th Government aware that the above society, viz., Bangiya Matsajil Samabaya Samity, applied for its registration from the Co-operativ Department?

(*d*) If the answer to clause (*c*) is in the affirmative, will the Govern ment be pleased to state whether the registration has been allowed?

(*e*) If the answer to clause (*d*) is in the negative, will the Govern ment be pleased to state the reasons for not registering it so long?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) No. The bye-laws were not in conformity to the model bye-laws.

(*b*) The bye-laws proposed were received through the Bengal Co-operative Organisation Society: it is not known whether that society scrutinised them.

(*c*) Yes, in July, 1935.

(*d*) No.

(*e*) The bye-laws were not in order. The society included a large number of middlemen not being fishermen by caste or profession which was against co-operative principles. The area of operation of the society was not defined and it overlapped the area of operation of a large number of *bona fide* fishermen societies including one at Chandpur which is functioning satisfactorily.

Mr. DHIRENDRA NATH DATTA: With reference to answer (*c*), does the Hon'ble Minister deny that the by-laws have been framed by the Bengal Co-operative Organisation Society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of that.

Mr. SHAHEDALI: Is the Hon'ble Minister aware that thousands of Muhammadan fishermen of Chandpur have been excluded from joining this Fishermen Samity?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is my information.

Mr. SHAHEDALI: Is the Hon'ble Minister aware that the main object of this samity is to deprive the Muhammadan fishermen of the right to fish in the Meghna and to create a right for the Hindu fishermen?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I can say is that a representation had been made to Government to this effect.

Mr. SHAHEDALI: Is the Hon'ble Minister aware that the Hindu fisherman is carrying on a propaganda in this respect?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of that.

Mr. DHIRENDRA NATH DATTA: With reference to answer that the by-laws were not in order, will the Hon'ble Minister be plea to state whether that fact was communicated to the samity when applied for registration to the Co-operative Department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am aware of this; I believe that was done.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to st what steps have been taken by the Hon'ble Minister on the represen tion made by the Muhammadan fishermen of Chandpur?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beli these representations were sent to the department for enquiry.

Mr. DHIRENDRA NATH DATTA: With reference to answer in which it is stated that the area of the operation of the society v not defined and it overlapped the area of operation of a large number *bona fide* fishermen societies, will the Hon'ble Minister be pleased state how it can be said to overlap the area of existing societies wl the operation of the new society has not been defined?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I ha answered this question fully and I have nothing further to add.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister pleased to state whether the members of a particular samity are bou to take in anyone and everyone who wishes to come in as members?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It depen on the members of the samity.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister pleased to state what other samities are functioning at Chandpur?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must a for notice.

Number of Debt Settlement Boards in the district of Mymensingh.

298. Khan Sahib HAMIDUDDIN AHMAD: (*a*) Will the Hon'b Minister in charge of the Co-operative Credit and Rural Indebtedne Department be pleased to state—

(*i*) the number of Debt Settlement Boards established in th district of Mymensingh;

(*ii*) the number of applications submitted therein;

(*iii*) the number of applications disposed of; and

(*iv*) awards given thereto up till the 30th June, 1937?

(*b*) Is it a fact that the Debt Settlement Boards are finding it difficult to dispose of the applications for want of any special power?

(*c*) Is the Hon'ble Minister contemplating to give power to the Debt Settlement Boards under section 7 of the Bengal Agricultural Debtors Act to facilitate disposal of the applications by the Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) 449 (including 13 Special Boards).

(*ii*) to (*iv*) The information desired by the hon'ble member is not available and cannot be obtained without an undue expenditure of time, labour and money which Government regret they are unable to undertake.

(*b*) I have no information.

(*c*) As and when local authorities desire and recommend. There are 13 Special Boards in the district empowered with all special powers except under section 22.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether any board in the district Mymensingh has been invested with the powers under the Bengal Agricultural Debtors Act?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Excise licences.

299. Mr. ADWAITA KUMAR MAJI: Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*i*) what are the qualifications required for holding a licence of excise shop;

(*ii*) how many new excise shops of all descriptions have been opened in Bengal since 1932;

(*iii*) how many of these licensees are—

(*a*) Hindus, and

(*b*) Muhammadans;

(*iv*) how many of these licensees are graduates; and

(*v*) how many of the Hindu licensees belong to the scheduled castes?

MINISTER in charge of FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*i*) No specific qualifications are laid down, but in granting new licences preference is given to educated men of the Bengali middle class.

(*ii*) 161 in all; 139 under the fixed-fee system and 22 under the auction system.

(*iii*) of the 139 shops under the fixed-fee system which were open to settlement by selection, 98 were given to Hindus, 35 to Muhammadans and the remaining 6 to other communities.

(*iv*) 9.

(*v*) 30.

Muslim officers as Subdivisional Officer and Additional District Magistrate of 24-Parganas.

300. Mr. JASIMUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state the names of Muslim officers (with periods of stay) who held charge of the office of the Sadar Subdivisional Officer and the Additional District Magistrate in the district of 24-Parganas?

(*b*) Will the Hon'ble Minister be pleased to state if the Government have ever considered the representation of the 24-Parganas' Muslim Association which the Government received from time to time and once acknowledged by Mr. Shattock's letter No. 73A.—D. (Appointment Department) on 21st April, 1934?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) As no time-limit is indicated, the records of the last thirty years have been examined and the information given below covers this period.

Nawabzada Saiyid Ali Ashraf, Deputy Magistrate and Deputy Collector, held charge of the post of the Sadar Subdivisional Officer, 24-Parganas, from July, 1917, to March, 1918.

No Muhammadan officer has held appointment as Additional District Magistrate, 24-Parganas, during the period.

(*b*) Yes.

Mr. SYED JALALUDDIN HASHEMY: Does the Hon'ble Minister in charge of the Home Department consider the desirability of acceding to the legitimate demand formulated in the representation of the 24-Parganas Muslim Association?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Government will keep in mind the representation that has been made.

Audit fees of co-operative societies.

301. Khan Bahadur A. F. M. ABDUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state the total amount of audit fees received from co-operative societies last year?

(*b*) Are audit fees received from sources other than co-operative societies?

(*c*) What is the total proportion of Hindu and Mussalman members in the different co-operative societies?

(*d*) Do the Government contemplate fixing the proportion of appointments of auditors according to the amount of audit fees contributed by the members of different communities?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Rs. 3,66,758-12-5.

(*b*) No.

(*c*) The information is not readily available. It will take much time and labour and I regret this cannot be done.

(*d*) No; payment of audit fees is not the only consideration.

North Bengal Sugar Mill at Gopalpur (Rajshahi).

302. Maulvi MOSLEM ALI MOLLAH: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that the North Bengal Sugar Mill at Gopalpur in the district of Rajshahi having no proper sanitary method of discharging its effluent, is causing grievous injuries to the public health of the locality?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he is proposing to take in the matter?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*) Yes. Copies of reports of inspection by the Assistant Director of Public Health, Rajshahi Circle, and the District Health Officer, Rajshahi, on the 22nd March, 1935, and by the Inspector of Septic Tank Installation, Public Health Department, on the 6th November, 1936, are laid on the library table.

(*b*) The sanitary condition of the mill and its surroundings will be again inspected by the officers of the Public Health Department during the next working season, and such steps will be taken as may be found to be necessary.

SHORT-NOTICE QUESTION.

Corporation employment of detenus.

Mr. K. NOORUDDIN: (*a*) Is the Hon'ble Minister in charge of the Department of Public Health and Local Self-Government aware—

(*i*) of the decision of the Calcutta Corporation arrived at on the 22nd September giving preference to the released detenus in the matter of employment;

(*ii*) that there is a widespread demand from the members of the Muslim community for their adequate representation in the services of the Corporation;

(*iii*) that the Corporation has ignored the claims of the Muslims in the services; and

(*iv*) that the appointment of detenus in preference to other qualified candidates will further reduce the proportion of Moslem employees?

(*b*) Will the Hon'ble Minister be pleased to state whether he is considering the desirability of taking such steps as the Government think necessary—

(1) prevent the appointment in the clerical services solely on the consideration of the political views of the candidates, and

(2) make provision for the adequate representation of Moslems in the services of the various local bodies under the Local Self-Government Department?

The Hon'ble Maulvi SYED NAUSHER ALI: (*a*)(*i*) Government have no official information.

(*ii*) Government are aware that there is a demand of the nature mentioned by the hon'ble member.

(*iii*) and (*iv*) There are matters of opinion.

(*b*) As the law stands at present, Government have no hand in these matters.

Mr. K. NOORUDDIN: Now that the Government are aware of the demands of the Moslems, will the Hon'ble Minister be pleased to state what steps Government propose to take in the matter?

The Hon'ble Maulvi SYED NAUSHER ALI: There appears to be a general demand or desire for a complete overhauling of the administration of the Calcutta Corporation irrespective of community or party and the whole question is now under the consideration of Government.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether he is aware that Government themselves have declared more than once their anxiety of providing employment for released detenus?

The Hon'ble Maulvi SYED NAUSHER ALI: As far as I am aware, the Hon'ble the Home Minister expressed a desire in this House that provision should be made for released detenus as far as practicable.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether he is aware that Government have themselves started industrial centres and agricultural farms for equipping detenus for employment either in industries or in agriculture?

The Hon'ble Maulvi SYED NAUSHER ALI: I understand that centres have been established for the training of detenus, but that matter does not belong to my department and I cannot give any definite information.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether it is a fact that since 1924 the percentage of Moslems in the Corporation service has substantially increased?

The Hon'ble Maulvi SYED NAUSHER ALI: I am not aware of the percentage of Moslem employees in the Calcutta Corporation either before or after 1924.

Mr. M. A. H. ISPAHANI: Will the Hon'ble Minister be pleased to state whether the undertaking given by Government regarding the employment of detenus has anything to do with the percentage of Moslem employees in the Calcutta Corporation which altogether is a different matter.

The Hon'ble Maulvi SYED NAUSHER ALI: I am afraid that it is a question of opinion.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether if the detenus be always given preference in the matter of appointments, the Moslems will in future have no chance of getting any appointments in the Calcutta Corporation?

The Hon'ble Maulvi SYED NAUSHER ALI: I have already replied that it is a matter of opinion.

Mr. K. NOORUDDIN: Will the Hon'ble Minister be pleased to state whether he is aware that this is a move on the part of the majority party in the Corporation to keep Moslems out of their legitimate share of the appointments?

The Hon'ble Maulvi SYED NAUSHER ALI: That may be the opinion of the honourable member who has put that question.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the cases of Moslems are systematically neglected and that premium is paid to detenus in the matter of service?

The Hon'ble Maulvi SYED NAUSHER ALI: I am sorry to say that these are the opinions of individual members who have put these questions.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether he is aware that the last 3 Congress Mayors, the late Mr. C. R. Das, the late Mr. J. M. Sen Gupta and Mr. Subash Chandra Bose had repeatedly and unequivocably declared that the percentage of Moslem employees should increase appreciably?

The Hon'ble Maulvi SYED NAUSHER ALI: Unfortunately I am in the habit of reading newspapers in which these matters may have appeared. So far as I am concerned, I have no information.

Mr. Khwaja SHAHABUDDIN: Will the Hon'ble Minister be pleased to state whether he is aware that although the late Mr. C. R. Das, the late Mr. J. M. Sen Gupta and Mr. Subash Chandra Bose had declared that the Moslem representation would be increased in the service of the Corporation, the declaration was never acted upon?

The Hon'ble Maulvi SYED NAUSHER ALI: There is a persistent complaint to that effect and that is the opinion of many a Moslem member of this House.

Maulvi ABUL HASHIM: In view of the fact that Government are anxious to provide detenus with appointments, do the Corporation propose to give these detenus preference over other qualified candidates?

The Hon'ble Maulvi SYED NAUSHER ALI: So far as I have been able to gather, not from any official source but from outside information, the Calcutta Corporation have not decided to give preference to detenus as such, irrespective of qualification.

Mr. M. A. H. ISPAHANI: Will the Hon'ble Minister be pleased to state whether Government contemplate any further changes in the law?

The Hon'ble Maulvi SYED NAUSHER ALI: I have already replied that the whole question is under the consideration of Government.

Mr. SARAT CHANDRA BOSE: May I have your permission to draw attention to just one matter? You may have noticed that Unstarred Question No. 293 was taken up at 2 minutes passed 3 and that the answer refers to a copy of the Press note which is said to have been laid on the Library table. Before coming to this Chamber I was delayed for 2 minutes to find out the Press note in the Library. The note was not there. I went again for the second time after the supplementary questions were asked and asked the clerk, where the Press note was. His answer was, it has been taken by Dr. Sanyal, but Dr. Sanyal said, "I have not taken it." I went back for the third time and asked the clerk and he said that it was taken away by the office, or by one of the officers here. If this state of things continue, I do not know how it is possible for us to put supplementary questions. I hope you will allow this question to be put on the paper again to-morrow.

Mr. SPEAKER: The fact is that this was on the Library table on the 28th September and it was on the Library table to-day. It was not known to the Librarian that this question was not answered yesterday. All those papers of yesterday were taken out for placing other papers which will be necessary to-day. In future I will see that papers relating to any question left over are kept on the Library table on the next day also.

Dr. NALINAKSHA SANYAL: May I rise on a point of personal explanation? Yesterday in connection with Starred Question No. 309 considerable heat was generated over the placing of the supposed prospectus on the Library table. It was asserted by the Hon'ble the Home Minister that he was positive on the prospectus having been placed there, and I was equally positive that it was not. You were pleased later on to produce something and you were pleased to hold that the prospectus was laid on the Library table. I have now got an official copy of the prospectus from the company concerned, and I have also got before me that typed office note which you referred to as a prospectus. I have also before me the Indian Companies Law sub-section (2) of section 14 of which defines the prospectus and section 93 of which deals with the specific requirements as to the

particulars of a prospectus. A mere printed sheet with a printed letter or word prospectus above it does not mean those sheets to be a prospectus. If you are convinced that the printed note that was laid was not a prospectus, you will kindly take the necessary action.

Mr. SPEAKER: Will you kindly hand over the papers to Secretary for my examination? (The papers were handed over to Secretary.)

GOVERNMENT BILL.

Bengal Tenancy (Amendment) Bill.

Clause 19.

Mr. NAGENDRA NATH SEN: I would respectfully submit before the House that the proposed amendment of the Hon'ble the Revenue Minister of the 29th September, 1937, is not in order in some portions. You will find the words within brackets, viz., including section 52 and in the margin the words, viz., suspension of provisions relating to enhancement of rent. My submission is that section 52 of the Act is not a section relating to enhancement. You will find that it comes under Chapter VIII of the Bengal Tenancy Act which is headed as general provisions as to rent. The question of enhancement has been dealt with in sections 7, 13 and other sections. But after Chapter VII there is no section relating to enhancement of rent. This section 52 has been defined by the highest judicial authority as a section not for enhancement but for alteration of rent and area. You will also find that with respect to section 52, it has been marginally noted as alteration of rent instead of alteration of area. I would refer you to item No. 5 of the Statement of Objects and Reasons, empowering Government to suspend any or all of the provisions of the Act relating to enhancement of rent. So the question of section 52 does not fall within the Statement of Objects and Reasons. With regard to the previous amendments notified by the Hon'ble Minister, the question of section 52 was distinctly kept outside the purview of clause 19.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I just want to point out that in the Bill clause section 52 is mentioned and that is why I venture to think that it is within the scope of my Bill.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. In that case a reference was necessary, because of the fact that no one can misunderstand that by enhancement section 52 was included. It was just to avoid that misunderstanding that section 52 was mentioned, but here section 52 has been mentioned as a section which deals with enhancement.

Maulvi ABDUL BARI: We are considering the Government amendment to the Bill clause and in the Bill clause there is a reference to section 52 as "except section 52" and this amendment says "(including section 52)". Therefore I submit that it is perfectly in order.

Mr. SPEAKER: As a matter of fact, that is one of the points which I had to consider yesterday in view of certain statements made by certain members. As I said at the very beginning, the scope of a Bill is to be determined not merely by the preamble and the Statement of Objects and Reasons, but also by the citations and provisions in the Bill. In view of the fact that Government in their amendment have persistently made it clear that they want to bring in section 52, I have to consider whether I am justified in ruling section 52 out of order When I find that the heading in the Bill clause is "enhancement or reduction of rent" and that they want to exclude section 52, I take it that Government insist that by enhancement or reduction section 52 does come in. Whether the language is happy or not is more than what I can say, but the fact that under a general heading they wanted to exclude section 52 shows that the intention of Government—at least so they thought—is that section 52 does come within enhancement or reduction, but whether it does actually come or not is a matter about which I have nothing to say. If there was any doubt, that point has been further cleared by the amendment which Government have proposed, viz., the inclusion of section 52 within the operation of this clause. Taking the cumulative effect of all these things into consideration, I hold that the inclusion of section 52 is in order so far as this amendment is concerned.

Kumar SHIB SHEKHARESWAR ROY: On a point of order, Sir. I should invite your attention to rule 44 (2), viz., that an amendment may not be moved which has merely the effect of a negative vote. If you refer to this clause, I think section 52 should be excluded, but I find that it has been included in the amendment. So it has a negative effect and my submission is that rule 44 (2) should apply.

Mr. SPEAKER: I wish you had followed the debate from the very beginning and if you had done so, you yourself would have given notice of an amendment of this negative character. It has been the practice all along to treat this as not having the effect of a negative character.

Mr. SASANKA SEKHAR SANYAL: My friend Maulvi Abdul Bari pointed out that the inclusion of section 52 was necessary. If we include section 52, it does not make it clear that other provisions have been included. I simply point out this difficulty.

Kumar SHIB SHEKHARESWAR ROY: With reference to sub-clause (2) of the amendment proposed by the Hon'ble Minister, my submission is that part of the amendment is outside the scope of the Bill. My first ground for that is that this portion is not covered by the Preamble. The Preamble says that it is intended to amend the Bengal Tenancy Act, 1885, in the manner hereinafter appearing. The original clause 19 of the Bill——

Mr. SPEAKER: Your point is that decrees and orders are beyond the scope of the Bill.

Kumar SHIB SHEKHARESWAR ROY: Yes, Sir, that is my point of order No. 1.

My ground No. 2 is this that this portion of the amendment goes beyond the objects of the Bill. I beg to refer, here, to the Statement of Objects and Reasons, item No. 5: Empowering Government to suspend any or all of the provisions of the Act relating to the enhancement of rent. Here, too, there is no mention of any decree. That is my ground No. 2, Sir.

My ground No. 3 is that this part of the amendment interferes with the jurisdiction of the High Court. I beg to refer in this connexion to section 223 of the Government of India Act, 1935, Civil Court Proceedings under the existing law, Sir, cannot be interfered with. The present amendment when it becomes the law of the land must not interfere with a civil court decree obtained prior to the amendment becoming a law of the land.

And my ground No. 4 is that this part of the amendment if it becomes law, will give rise to serious complications inasmuch as decrees may be obtained and executed and enhancement realized under the existing law before this amendment becomes law.

These are my four grounds, Sir.

Mr. SPEAKER: Sir Bijoy, I would like to hear you only on one point, viz., as to whether the Government of India Act, as framed, gives this House authority to pass a law nullifying a decree of the High Court prior to the passing of the Amendment Act. There is no doubt that, so far as this House is concerned, it can pass any law it likes. And whatever be the nature of the decision, all courts are bound to obey the law. But a question has been raised, and a pertinent corollary to that question is that supposing this Act is passed and comes into operation on the 1st of April, 1938, has this House the power to nullify a decree passed prior to that date? I am now adjourning the House for the prayer interval for 15 minutes, and after that I will hear you on this point. The House is now adjourned for 15 minutes for prayer.

At this stage the House was adjourned for 15 minutes.

After adjournment.

Mr. J. W. CHIPPENDALE: I rise on a point of order, Sir. I find that the Hon'ble Minister in charge of the Bill has used the words "including section 52", but originally it was "except section 52". Now, Sir, it is "including section 52". We, on this side of the House, are ignorant of the matter, and, perhaps, the Hon'ble Minister will please tell us how he can include section 52——

Mr. SPEAKER: I think you were absent during the first hour. That point has been disposed of.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as regards the point raised by Kumar Shibshekhareswar Roy as to whether sub-section (2) (*a*) of proposed new section 75A is consistent with section 223 of the Government of India Act, my submission is that my proposal here is to suspend the decrees and not to make them void. This House has sufficient power to give retrospective effect to a law passed by this House. So, in that view of the matter, Sir, I venture to think that my amendment is in order.

Kumar SHIB SHEKHARESWAR ROY: But it becomes barred by limitation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If it is suspended,, it is not barred.

Rai HARENDRA NATH CHAUDHURI: How can you suspend the operations of the Indian Limitation Act?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If it is suspended by special legislation, I venture to think that it will not militate against the provisions of the Indian Limitation Act.

Mr. SPEAKER: The only question which arises in this case is the question of admissibility. I think I have made it quite clear to this House on two successive days what I would do if I am not very certain whether any particular amendment is in order or not. This amendment is of such a complicated nature and has been brought up at such a last stage that it is very difficult for anybody to examine the entire matter, but I gave my decision the other day that in a matter where I feel that there is some doubt, it is altogether inadvisable for me to rule it out. I have decided to give the House the right of discussing any particular matter and deciding it on its merits as a whole, and it is for the House as well as for the Government to take the legal responsibility for such amendments. In view of this ruling of mine, I hold that this amendment is in order, but that I shall not be responsible for its legal effects, for it is more than what I can say they will be.

Kumar SHIB SHEKHARESWAR ROY: Sir, my humble submission is that it is your prerogative to decide, and you must use your prerogative, and you cannot leave this matter to the decision of the House.

Mr. SPEAKER: Well, I have used my right and I have decided that the amendment is in order, but what its legal consequences will be I do not know.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that for the proposed section 75A the following section shall be substituted, namely:—

"75A. (1) All the provisions of this Act (including section 52) relating to enhancement of rent are hereby suspended for a period of ten years with effect from the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937.

Suspension of provisions relating to enhancement of rent.

(2) (*a*) All decrees and orders enhancing rent passed under any of the provisions of this Act on or after the twenty-seventh day of August, 1937, and before the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937, are hereby declared to be inoperative from the date of such decree or order until the expiry of the ten years referred to in sub-section (*1*).

(*b*) any provision providing for enhancement of rent contained in any contract entered into between a landlord and a tenant during the period commencing the twenty-seventh day of August, 1937, and ending on the expiry of the ten years referred to in sub-section (*1*) is hereby declared to be inoperative during the period referred to in this clause."

Mr. SPEAKER: We will take up the amendments to this motion now.

Mr. DHIRENDRA NATH DUTTA: Sir, I beg to move that in sub-section (*1*) of proposed section 75A for the word "ten" the word "twenty" be substituted. That is all the provisions of this Act, including section 52, relating to enhancement of rent are hereby proposed to be suspended for a period of twenty years, with effect from the date of commencement of the Bengal Tenancy Act, 1937.

Mr. SPEAKER: Will you move the second one also?

Mr. DHIRENDRA NATH DUTTA: Sir, I also beg to move that in sub-section (*1*) of proposed section 75A for the words "from the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937," the words "from the 1st day of April, 1936" be substituted.

Further I beg to move the following amendments standing in my name:—

That in sub-section (*2*)(*a*) of proposed section 75A for the words "27th day of August, 1937" the words "1st day of April, 1936" be substituted.

That for sub-section (*2*) (*b*) of proposed section 75A the following be substituted, namely:—

(*b*) Any enhancement of rent that has been made by contract entered into between a landlord and a tenant between the 1st day of April, 1936, and the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937, shall have no effect".

Maharaja SASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha, Mymensingh: Sir, when the deletion clauses will be taken up?

Mr. SPEAKER: I will take up the deletion clauses after finishing all amendments.

Kumar SHIB SHEKHARESWAR ROY: Will it be in order, Sir?

Mr. SPEAKER: Yes, it will be in order.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move the following amendments standing in my name:—

that in sub-section (*1*) of proposed section 75A for the word "from the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937" the words "with effect from 1st day of April, 1937" be substituted;

that in sub-section (*2*)(*a*) of proposed section 75A for the words "twenty-seventh day of August" the words "first day of April" be substituted;

that in sub-section (*2*)(*a*) of proposed section 75A the words "until the expiry of ten years referred to in sub-section (*1*)" be omitted;

that in sub-section (*2*)(*b*) in proposed section 75A before the word "Contract" the words "Compromise or" be inserted.

Maulvi ABDUL BARI: I beg to move that in sub-section (*1*) of the proposed section 75A for the words "date of the commencement of the Bengal Tenancy (Amendment) Act, 1937" the words "27th day of August, 1937" be substituted.

May I also move my amendment No. 15?

Mr. SPEAKER: I am not sure whether your amendment (No. 15) is in order, because "inoperative" is one thing and "void" is quite another thing.

Maulvi ABDUL BARI: I submit, Sir, that this amendment is in order, because this Legislature has got power to declare the decision of a court void after it was passed prior to the passing of this Act. Reference was made by my friend Kumar Shib Shekhareswar Roy to section 223 of the Government of India Act. On reading section 223 I find that there is no bar to the introduction of the word "void" in this amendment. All that section 223 says is: "Subject to the provisions of this Part of this Act, to the provisions of any Order in Council made under this or any other Act and to the provisions of any Act of the appropriate legislature enacted by virtue of powers conferred on that Legislature by this Act, the jurisdiction of, and the law administered in any existing High Court and the respective powers of the judges thereof in relation to the administration of

justice in the court, including any power to make rules of court and to regulate the sitting of the court and of members thereof sitting alone or in division courts, shall be the same as immediately before the commencement of Part III of this Act".

So I submit that provision has been made regarding the Act of this Legislature or of appropriate legislature and that the amendment which we want to insert would be very clear: under section 223 even if decrees that might have been passed by the Hon'ble High Court will not come under the provision of this Act——

Mr. SPEAKER: My difficulties are how to improve the position by your argument. There is distinction between the word "void" and "inoperative".

Maulvi ABDUL BARI: If the word "inoperative" be allowed to remain in the Statute, the result will be that it will be inoperative up to ten years and after that it will be operative; but if it be declared "void", even if the decree is passed that will not be operative.

Mr. SPEAKER: That is why I say that it is outside the scope of this section.

Maulvi ABDUL BARI: The section says, Sir, that up till ten years it will remain suspended and after that it will be operative. If we read the amendment of the Hon'ble Revenue Minister, we find the following words: "All the provisions of this act relating to enhancement of rent are hereby suspended for a period of ten years with effect from the commencement of the Bengal Tenancy (Amendment) Act, 1937". Now, Sir, again if we read the original Act there also we find that his original intention was to make it "inoperative" and also to make it "void". The original section runs thus: "The provincial Government may by notification suspend with effect from the 27th August, 1937, or from such later date whether before or after the commencement of the Bengal Tenancy (Amendment) Act, 1937, in such area and for such period as may be specified in the notification any or all of the provisions of this Act, except section 52 relating to either the enhancement or reduction of rent or both". Here no period is specified——

Mr. SPEAKER: You cannot go to the amendment. Government amendment must be governed by the scope of the Bill.

Maulvi ABDUL BARI: In the Hon'ble Minister's amendment to the Bill we find that there is no time-limit provided and the question of suspension does not arise: therefore decree could be executed at any time.

Mr. SPEAKER: Your intention unexpressed would have called forth a decision from me in your favour but after you have declared your intention, it has taken away all the support that I had on my legs, and I hold that your amendment (No. 15) is out of order. I cannot allow the Legislature to function by the creation of a provision which will bring in incongruity and I must see that there is no incongruity. In view of your arguments I feel, and I think you will agree with me, that my decision is sound which is that Government in this section intends to suspend the provision regarding enhancement but cannot do away with the enhancement altogether. Can you in a provision for suspension of enhancement do away with enhancement altogether? Suspension means suspension for a certain period —say five years or ten years—if a boy is suspended from the school, he is allowed to remain in the class but if he is rusticated, he cannot do so. Your amendment is "rusticating" the enhancement altogether and is bringing in a factor which is outside the scope of the Bill. Anything in the nature of taking away a provision for any period, so long as some period is fixed, it is within the scope of the Bill; but otherwise it is outside the scope of the Bill.

Maulvi ABDUL BARI: It might be suspended for an indefinite period.

Mr. SPEAKER: It must be for a definite period. It does not matter what that period is. There must be some specific period. So your amendment is out of order.

Maulvi AHMED HOSSAIN: I beg to move that in sub-section (2)(*a*) of proposed section 75A after the word "Act" in line 2 the words and figures "including section 52" be inserted.

In moving my amendment I may say that it is consequential.

Mr. NIKUNJA BEHARI MAITY: I beg to move that in sub-section (2)(*a*) of proposed section 75A for the words "on or after the twenty-seventh day of August, 1937, and before the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937" the words "since the first day of April, 1930, save and except those which have in the meantime executed" be substituted.

Mr. NIKUNJA BEHARI MAITY: I beg to move——

Mr. SPEAKER: This is out of order. You are doing away with the time. If you had fixed a period, it would have been in order. As it is, it is out of order.

Mr. SASANKA SEKHAR SANYAL: There were certain amendments left over yesterday.

Mr. SPEAKER: Yes, I will take them over now.

Mr. NISHITHANATH KUNDU: Sir, I have one amendment which I have not yet moved.

Mr. SPEAKER: Yes, you had better move your amendment.

Mr. NISHITHANATH KUNDU: I beg to move that after the word "enhancement" the words "Except section 52, relating to the enhancement of rent for increase in area" be inserted.

Mr. SPEAKER: As these are all substantial amendments to the Bill itself and as the second amendment has not been moved, I think none of these amendments arise.

There is a motion for the deletion of the entire clause 19. Is the European group moving it?

Mr. C. MILLAR: Yes, Sir. I beg to move the amendment which stands in my name, that clause 19 be omitted.

Mr. Speaker, Sir, I do this with the intention of bringing to the notice of the House some of the implications of this proposal which it may not fully have thought out, not indeed in the hope of influencing the decision of the House, but that the House may be fully aware of all that it proposes to do by this clause. I am reminded of old stories of the Greek Sea-god Proteus who had the gift of being able to change his form at will. Sir, as we have endeavoured to wrestle with this clause, it has continuously and bewilderingly changed. In the beginning it was, we understood, proposed that all enhancements and reductions of rent should be suspended until a commission to enquire into the Permanent Settlement had reported. When the clause appeared originally in the Bill, it gave local Government power to suspend all enhancements of rent throughout the area to which the Tenancy Act applies, and if need be for ever; and I make bold to say that once such a provision had passed into law, it would be extremely difficult for any Government, and no Government would without hesitation take upon itself the odium of renewing the provisions for enhancement of rent. In the next form in which it reached us it was even more definite, and in the final form which we now have before us, all enhancements are to be stopped for a period of ten years. All contracts for enhancements are to be suspended. All decrees for enhancement are to be suspended. Now, Sir, in all these forms this

clause exhibits one peculiar feature, and we have already had some discussion on the point. Its effect is retrospective. Whether it be that that is within the power of this House, or not, does not it remain for us to consider whether, even if we have the power, it is a wise or a healthy thing to do to pass retrospective legislation of this nature; because the effect will be that contracts voluntarily made for good consideration between two private citizens of this country are arbitrarily interfered with by this House; and it will have the effect that decisions reached by a court of law after investigation of all the facts are again arbitrarily set aside by this House. Now, Sir, the persons concerned in these negotiations and in these suits are responsible people who have expended their money, who have taken necessary steps to achieve the result which in one case was reached by open agreement, and in the other, was adjudged to be just by a court of law; and we should think several times before we take away from the citizens of the country the right to enjoy the fruits of such agreements and such suits.

Another feature, Sir, which this clause now exhibits is that section 52, which provides for alteration of rent in cases of alteration of area, as, for example, if the land has been wrongly measured, should be included. I know that there have been one or two cases, specially I believe in the neighbourhood of Rangpur and in Dinajpur where tenants have for some time been in the fortunate position of paying rent on the assumption that their land was smaller than in fact it is, and I really see very little justification, when that mistake is discovered, for perpetuating their good fortune in that respect. It is not fair on their neighbours who are paying a proper rent. I can see no justice in that proposal at all.

However, Sir, there are other and wider aspects of this question on which I would like briefly to touch. From the provincial point of view, and I will speak in very broad figures, there are some 50,000 square miles of this province which are governed by the Permanent Settlement, and there are some 10,000 square miles in this province which come under temporary settlement and are in the hands of Government itself. Again in broad figures, the revenue which this province receives from the permanently settled area of 50,000 square miles is, very roughly speaking, two crores of rupees. The revenue which this province enjoys from the small 10,000 square miles which are not permanently settled is nearly one crore of rupees, and it is true to say that the temporarily settled areas and areas under Government provide the province with a very much larger revenue for the area. If it were not for the Permanent Settlement, judging on the basis of the present temporarily settled areas, our revenue would now be sufficient to finance all the schemes we all desire. It would be sufficient to finance primary education, it would be sufficient to finance the irrigation schemes. All the schemes that we want for

is province are bound up with this question. In the last 20 years e revenue which the Government received from the temporarily ttled areas has increased by 50 per cent., and that we propose to op. I very much doubt, Sir, whether any Government will ever ive the power to reimpose enhancement, and I think we should ink very very carefully before we deprive ourselves of the increase revenue we need for all these schemes which we all desire. If ings were otherwise, we would be in a better position than Madras.

Now there is another aspect and that is from the point of view of ie tenants themselves. This Bill has in it a number of provisions hich we can all understand are hardly appreciated by the land-ords. Enhancements of rent are by the Act already most carefully ontrolled. They can take place either by agreement or by suit; ey can take place once in 15 years and at the rate of two annas in ie rupee and, Sir, any one who has read the provisions relating to nhancement of rent must agree that they are thoroughly reasonable. 'or example, one ground upon which enhancement can be allowed is hat the tenant has received from the landlord some benefit to his nd to which he was not otherwise entitled and which is actually in peration. Let me just instance cases where protective work against ooding is required, or protective work against sea water, or some-hing of that kind, where the landlord can come in and improve his and. Having by this Bill already seriously undermined the rights f the landlords you are now taking away from them the last ncentive for them to take an interest in the improvement of their and. That is a thing which we should think over carefully, because t is a thing that must affect the tenants. It is too much, I think, o hope that after this Bill the landlords will take that interest out f pure philanthropy. Now to take another aspect—and this is per-aps even more serious. I doubt if the House would agree in this, ut it is a consideration which I desire to place before the House rom the point of view of the tenants in this province, whether this legislation is wise for this reason: that this is a province whose main characteristics may be said to be subsistence farming, not on intensive nor advanced methods. We live in what is perhaps the richest alluvial land in the world, and Nature pours out a subsistence to the cultivators which in turn demands from them, in comparison with other agricultural countries, a comparatively small exaction in the form of effort and energy; and for long periods in the year the agriculturists can live a life which has many agreeable and not too strenuous features. Now, Sir, in every agricultural country the advancement of the peasantry has always come from the rising value of the land and the gradual enhancement of the money rent from the peasantry, demanding from them as years went by a gradually increasing effort. It is a process which can bring this province many things, and in shutting out the

natural process of gradual increase, and gradual inhancement, and a gradually increasing money value, you are depriving your peasantry of the incentive which will make them work for more than a mere subsistence from the land. That, Sir, I make bold to say, is not a thing we in this House should do without very serious consideration.

Sir, I should like it to be clear in these debates that our opposition to the provisions of this Bill is not merely factions, merely an obstructive opposition. We are anxiously watching the progress of this Bill, anxiously watching the deliberations of this House, anxious to assist in every way we can; and I hope the House will believe that in putting these considerations forward for it to think over, we are endeavouring to help.

We, Sir, who have come to this country, who have been able to leave the tensions of Calcutta behind and go out into the countryside, who have known its great rivers and variegated landscape, and have been able to find in the villages the courtesy and hospitality and gentleness of the people of this province unspoilt by evil forces, cannot sit quietly here and see her people injured by thoughtless legislation.

Maulvi ABUL HASHIM: Sir, with due respect to Mr. Curtis Millar's knowledge and experience I beg to submit that he has misunderstood the whole thing. Times without number the Hon'ble Revenue Minister, Sir Bijoy Prasad Singh Roy, said on the floor of this House that the present Bill is not meant to be an exhaustive amendment of the existing Bengal Tenancy Act. Very shortly a Commission for enquiry into the land revenue system of Bengal is going to be formed and will start working. The present Bill simply proposes to meet certain very urgent and important grievances as a make-shift arrangement till we get the report of the proposed Commission after a thorough enquiry.

Now, Sir, with reference to this clause 19, Mr. Millar has made certain remarks. At the very outset he said that this amendment will have the effect of interfering with the decision of responsible courts of justice. In this connection, Sir, I would submit that we do not question the decision of courts and we do not say that the responsible litigants who spend considerable amount of money in these law courts are not just, but a court of justice administers law according to the existing law and their judgments are to be considered in the light of existing law. All that this amendment proposes to do is not to interfere with the decision of the court or to question the justice of the court but simply to alter the law on the basis of which the court will be bound to administer justice. The existing provisions of the law appear to us to be very hard on the tenants.

My next point is that Mr. Millar thinks that section 52 has been just and proper, because it allows enhancement on the ground of improvement. I cannot agree with him when he says this. I would further submit that I not only believe that section 52 has a just cause behind it, but I also believe that every other clause for enhancement has equally just and proper cause behind it. We do not propose to suspend the operation of section 52 on the ground that there is no just cause for it but on the ground of hardship. We now feel that the tenantry of Bengal are not in a position to pay more and more. The proposed Commission will deal with the entire question. Pending the decision of that Commission, on the ground of hardship to the tenants, we proposed to stop the enhancement as a temporary measure.

My next point is that Mr. Millar has remarked that from the area not permanently settled the Government of Bengal gets a very considerable amount as revenue. I agree with him. He further says that if this enhancement is allowed to continue, Government is likely to get an increased revenue by 50 per cent. I, therefore, agree with him that if the Permanent Settlement is abolished, the Government of Bengal will receive sufficient revenue for meeting all our demands and it is only for this reason that the country has given its decided opinion on this question that it does not want Permanent Settlement. If this legislature had the power to do away with the Permanent Settlement, then I think the first duty of this Government would have been to introduce a Bill for doing away with the Permanent Settlement. But that cannot be done without much difficulty, and as many things will have to be considered to abolish the Permanent Settlement, we in the meantime propose only on the ground of hardship to suspend enhancement temporarily till the enquiry committee submits its report, and as soon as the report will be submitted, Government will bring in a new Bill as the Bengal Tenancy Act and it may be that the new Bill may be brought in the year 1939 or 1940.

Now, the next point is that Mr. Millar says if the landlords be not allowed to enhance rent on the ground of improvement, the landlord will cease to take any interest whatsoever in improving the land. On a previous occasion I had already remarked that there was a time when the interests of the landlords and tenants were inseparable and the relationship that existed between the landlord and the tenant was one of father and children, but those days are gone and it is only owing to the laches and indifference of the landlords that we want to bring forward a legislation like this. Now, Sir, circumstanced as we are we cannot think that the landlords can think of anything else except taking as much money as they can (Kumar Sib Shekharfswar Roy: Question), from the tenants. In these days, I venture to say, it is possible for a landlord to award life pension to his English servants while his estate is under the protection of the Court of Wards. It is only for this indifference that the tenants cannot get any useful service

from them and we, therefore, consider that the landlords have completely lost their social utility. It is for this reason that we want a new order of things under which the tenants may be under the direct control of the Government themselves.

The next point, Sir, is that it has been stated that a gradual enhancement of rent and a gradual sqeezing of the tenants will give and impetus and an energy to the tenants to increase the output of the land. Sir, in this connection I would venture to submit that I do not agree with Mr. Millar when he says that the additional money from this gradual increase will go to the Government. If it goes to the Government Treasury, we would not grudge it and we would fully agree with that policy. But circumstanced as we are we know that the result of the increase will be enjoyed by the parasites who have nothing but only one idea and that is to enjoy life. If the tenant knows that the result of his efforts will go to the Government and then come back to him in some other form he would exert himself to the utmost. But the difficulty is that the Government will get no benefit and the people will get no benefit whatsoever from the effort but only a certain set of intermediaries and agents who realise the rents and who are a set of idlers and parasites growing fat on the result of the labour of the tenants will be benefited. It is for this reason that the people do not see eye to eye with Mr. Millar; and it is for this reason also that we propose to support the provision in the Government Bill as it is now put before us.

Sir, one word more and it is that it has been remarked by many of my friends that Government is ever changing its mind. In this connection I beg to submit that I do not think "not changing" is always a good policy. (Hear, hear.) I think it is rather the duty of everyone to change himself as many times as he can consistently do so. A change from continuing in the wrong is a good change after all.

Government might have decided something at the beginning but after due consideration with the persons concerned if they are convinced that the decision ought to be changed, I think the right and proper course for Government is to change the policy. With these words, I support the Government clause.

Mr. RASIK LAL BISWAS: I support the amendment moved by my friend Mr. Nikunja Bihari Maiti for giving retrospective effect since the year 1930. In this connection I may tell my zemindar friends and their supporters that they need not be anxious for the deletion of this clause. The clause as stands will not affect their interest at all. It does not say that rent will be reduced. It only provides that henceforth no enhancement will be granted. The revenue paid by the zamindars in this province is only 2 crores and 15 lakhs but they collect from the tenants Rs. 20 crores legally and another Rs. 10 crores illegally. In 1871 the rental was only 7 crores and within these years it has been enhanced to 20 crores. So the zamindars are getting more

than enough and justice demands that they should give relief to the tenants by reducing the rent. But there is no such provision in this Bill or in this clause. This clause is as much in favour of the zamindars as sections 67, 74 and 88 as amended are. The zamindars need not be afraid over those amendments at all. What the tenants of this province demand now and which has become very prominent is the reduction of rent. Without reduction of rent the tenants cannot hold on. 99;9 per cent. of the tenants are heavily in debt and it is impossible for them to go on as they should. They have been suffering in various ways and if their sufferings are not mitigated, it is likely that within a few years the whole tenantry will be extinguished. So it is high time for the Legislatures to see that the poor tenantry are saved and their burden diminished. It is true that in comparison with England, France or Japan the rental of this province is not much, but the paying capacity of the tenants is practically nil. They cannot pay their little amount of rent. If the paying capacity of the tenant is made to enhance, he will not grudge paying a larger amount as rental. In Regulation I of 1793, Article VII, paragraph 3, the zamindars were asked not to enhance rents in this way. That paragraph says: "To discharge the revenues at the stipulated period without delay or evasion and to conduct themselves with good faith and moderation towards their dependant taluqdars and raiyats are duties at all times indispensably required from the proprietors of land and a strict observance of these duties as now more than ever is incumbent upon them in return for the benefit which they will themselves derive from the orders now passed. The Governor General in Council, therefore, expects that the proprietors of land will not only act in this manner towards their dependant taluqdars and the raiyats but also enjoin the strictest adherence to the same principle on persons whom they may appoint to collect the rent for them." Then Regulation VIII of 1793, section 49 says: "It is to be understood that persons of the nature described in section 18 who have held their lands at a fixed rent for more than 12 years are not liable to be assessed with any increase either by the officers of Government or by the zamindars or other actual proprietors of land." In spite of these instructions and expectations of the Governor General of the time who made the settlement permanent, the zamindars have been enhancing the rent indiscriminately. From 3 crores of that time it has now been enhanced to the legal limit of 20 crores and illegally to another about 10 crores. There is a persistent demand that the rent should be reduced to such an extent as would appear to be fair and equitable. During the last 30 years the rent has been increased to an abnormal extent, but if it had been what it was in the year 1314 B.S., the year Survey-Settlement began, there would have been a fair and equitable rent. If Government do not want to hoodwink the tenants and defraud them, they should bring forth a Bill in the next session in response to this demand of the people. The present Bill is nothing. If this clause had not been enacted at all, there would

have been little difficulty for the tenants. It will be of little benefit to the tenants, because it wants to stop the expected enhancement. That is not much, because the preceding period was not a very prospective one, so the zamindars at present will not be able to enhance much. Moreover, the section of the Bengal Tenancy Act which deals with the enhancement of rent has limited the period to 15 years within which the zamindars will not be able to enhance the rent. A great deal has already been enhanced within last 15 years. So my zamindar friends need not be anxious over this matter but should readily support it. If they want to co-operate with the tenants, I think it is they who should suggest that the rental which has become too high should be reduced to a reasonable limit. This high rate of rent has not been of much benefit to the landlords. It has made them worthless and has done immense harm to them. At one time they had been the glory of the country but now they are looked down as parasites and idlers. It is for the benefit of the province the zamindari system should be abolished and there should be no intermediary to collect revenues. It is the duty of the Government to collect revenues and to see that the intermediary classes do not exist for this purpose as parasites, living on the labour of the people and injuring their cause. The various nation-building departments suffer for want of funds. There is no money for medical aid, there is no money for public health, there is no money for education and for the upliftment of the masses. If the permanent settlement is abolished, then Government will immediately get Rs. 20 crores *minus* 3 crores of revenue paid by the zamindars at present. If Government spend this 17 crores for irrigation, public health, medical, education, etc., then the face of the country will be changed within a period of five years. The tenants will be saved from paying *abwabs* and their paying capacity will increase. There will be advancement in every sphere and the grievances of the people will be removed to a great extent. This can be easily done by Government to do good to the people. I hope this matter will be taken up seriously by all sections of the House and pressure will be brought to bear upon this unwilling Government so that they can be compelled to do this within a few years, and before this Assembly is dissolved we can see that this has become a settled fact. A large amount has been increased since 1930 and if realisation of this increment is cancelled, the tenants will be highly benefited. With these words, Sir, I support the amendment.

Mr. M. SHAMSUDDIN AHMED: My friend Mr. Curtis Millar has opened a discussion on a serious problem before this House. The Hon'ble the Revenue Minister has brought before this House a very insignificant and small amendment which will not even to a very small extent alleviate the distress and the sufferings of the peasantry. My friend Mr. Curtis Millar was labouring under a misapprehension.

[e thought that possibly the enhanced rent that is to be given by ıe tenants will be used by this Government for the benefit of the enantry and also for the benefit of the people. The case of Bengal easantry stands on an absolutely different footing. My friend Ir. Gurtis Millar may well look up the records of the British rule ı this country. Since the advent of the British rule, Bengal has aken a different turn. When the Britishers came to this country hey found that under the Moghal rule the Collectors used to collect ents from the tenantry and used to get a commission. For a few ears after the occupation of this province, the East India Company ollowed the same rule. Everybody knows, Sir, that during the egime of Warren Hastings, and zemindars like Dewan Ganga lovinda Singh and others what terrible sufferings and hardships the eople of Dinajpur, Rangpur, and especially of some districts in lorth Bengal, had to undergo in order that revenue might be collected. 'he peasantry not only underwent terrible sufferings but they also ere apprehended for non-payment of revenue. Thereafter, the East ndia Company thought, possibly on account of the reason that they he fact that they were foreigners, they thought that some sort of anted a stable Government in this country and also on account of ntermediaries should be at their back. That was one of the reasons, ir, for bringing in the Permanent Settlement in this country. What, fter all, is the history of this Permanent Settlement? By Permanent ettlement a hereditary system of landlords was established in this ountry, and these landlords had to pay a fixed rent and they were llowed full freedom to collect that rent by whatever means they ould. And what followed the use of such horror? These landords obtained the right to confine the poor peasantry for default nd made many other illegal exactions in exercising their so-called ights. And the consequence of this was that riots broke out in the ndigo plantations. There were other riots also on account of oppresion. As a result of this, some sort of legislation was brought in by hich the then Government tried to alleviate the distress of the enantry. The legislation of 1865 and other legislation which gave ome relief to the peasantry were the outcome of the agrarian disontent that prevailed in Pabna, Nadia, and other districts. And hy? Because the zemindars had a full and free-hand in the realizaion of rents. They not only rack-rented the peasantry, but also nflicted all sorts of hardships and they collected the revenue in hatever way they could. And the result has been that at present e find that the landlords pay only 2 crores and 30 lakhs as revenue o Government, so that Government has not become even one inch icher by the collection of the rents realized by the zamindars to the xtent of 20 crores a year, apart from *abwabs* and other illegal exacons which come to about 5 to 6 crores per annum.

Now, Sir, if you would simply analyse these figures, you w find that the rents that the peasantry of Bengal pay are about t times more than what they used to pay at the time when the British came to this country. My friend Mr. Curtis Millar thought that years' suspension of enhancement was too much and unjust, but submit that it is nothing—it is a mere drop. The Hon'ble the Reven Minister has proposed in his amendment that the suspension shou be for only ten years only as a sop. I submit, Sir, that the Beng peasantry do not want any suspension of rent, however long the peri may be: they want an abatement and reduction of 50 per cent. of ren This Bill is not giving any direct relief to the peasantry. It is merel a stop-gap piece of legislation. By a mere stop-gap the Governmen say that for ten years there will be no more any enhancement o rent. Therefore, Sir, I say that Mr. Curtis Millar was possibl thinking that this suspension of enhancement would not only pu Government in an embarrassing position but would also put th peasantry into a very difficult position, because, possibly, the landlord of Bengal, by some means or other, either by direct method or by a indirect method, will be led into refusing to give any sort or kin or help or assistance in times of flood and distress.

Now, Sir, possibly by tomorrow this session will come to a close We have discussed this Bengal Tenancy Bill, and we are going t pass this amending Bill. My friend Mr. Curtis Millar surely realizes what we have done here for the tenantry of Bengal. We have abolished the landlord's fee and we have given relief to them in some other directions. But, Sir, we have not been able to fix a price for jute or been able to abate the rent or to reduce the rent. The amendment to the clause that was brought in by way of reduction was withdrawn. There was, Sir, another amendment which you ruled out of order—repealing this suspension clause altogether, to the effect that there would be no time-limit, ten years or twenty years. I find one other amendment to the effect that in place of ten years it should be twenty years. It might be something, Sir, but even then that is nothing. We want that this enhancement should go out of the Statute-book altogether. The question of enhancement should never arise and it should go out for ever. If at any time the tenants of Bengal can rise in a body and bring about an end of this inequitous Permanent Settlement, which is sitting as a nightmare over their chests, and through which the landlords of this province, without doing anything are collecting about 20 crores, without doing any good to the tenantry of Bengal, without doing good to anybody excepting creating a class of people which has always been sitting idle and doing nothing, then only can the tenantry of Bengal hope to have something really good. There have been some landlords who have done something in the past for their tenants, but in the whirlpool of

the present-day civilisation their absence from their country residences and periodical excursions to England and other places have not only put them in a position which has become intolerable to the tenantry of Bengal, but have become a positive nuisance to the peasantry of Bengal. Therefore, Sir, the sooner this system of zamindary goes, the better for all concerned in Bengal. I quite realise that Mr. Curtis Millar thinks that enhancement of rent is desirable. But I would invite him to go to the Bengal villages, see the poor villagers steeped in ignorance and steeped in superstition, involved in debts, without having any cloth to put on their own body or on the body of their children, who even in sickness, even in malaria, cannot get enough quinine, as Government cannot supply enough quantities of quinine free —then and then only will Mr. Curtis Millar realise how impossible it is for the poor tenants of Bengal to ever pay any enhancement of rent. I say, therefore, and I say with a full sense of responsibility that if Government want money the sooner they take courage in both hands and do away with this evil of Permanent Settlement, the better for Bengal——

Mr. SPEAKER: Please do not forget that it is not the third reading of the Bill and your speech very much resembles such a speech.

Mr. M. SHAMSUDDIN AHMAD: Sir, Mr. Curtis Millar has really thrown open the whole thing for discussion, because when he was discussing the suspension of rent he discussed many things from the goodness of the peasantry of Bengal to their poverty, etc. As you allowed Mr. Curtis Millar to do so, Sir, I can only expect that you will do likewise in my case.

Mr. SPEAKER: But you are going into the matter at great length.

Mr. M. SHAMSUDDIN AHMAD: All right, Sir, I will not go further into the general matters. I say that this suspension of enhancement of rent will not really do much good to the people, although no doubt it will do some good and give relief to a very small extent. I believe that Mr. Curtis Millar did not say anything in a *mala fide* mood. I say he has said everything in a *bona fide* spirit but I must say that he was absolutely labouring under a misapprehension. Therefore the sooner this misapprehension is dispelled from his mind the better for all concerned. I hope, Sir, in future he will give us the fullest benefit of his advice as to how the poor tenancy of Bengal may be relieved of their troubles to a great extent, in other various ways.

Mr. SPEAKER: I might say that I propose to adjourn the Hou at 6-6 p.m. After that I will ask Mr. Dhirendra Nath Dutta speak very briefly and then the Hon'ble Sir Bijoy to reply.

Mr. NIKUNJA BEHARY MAITY: On a point of informati Sir. So far speeches have been made on amendment No. 1 which for omission of the whole clause. Is that the case and is that the on matter on which we can speak?

Mr. SPEAKER: No, the debate is open to all the amendments

Mr. NAGENDRA NATH SEN: In that case will you not kindl allow other members to speak?

Kumar SHIB SHEKHARESWAR ROY: Mr. Speaker, Sir, oppose this latest amendment of the Hon'ble the Revenue Ministe The monstrous inequity of the proposal is staggering to a degree. I is against all ethics of legislation and against all juristic sense. Yo want to legalise an act of lawlessness, an act which sets at defianc century-old customs and usages of the land, which ruthlessly violate the established laws of the country and plays havoc with all veste interests and proprietory rights of a large section of the people. Sir this betrays nothing but a complex, a tyrannical insanity complex o the part of a majority intoxicated with the wine of unaccustome power. To-day, they are playing ducks and drakes which the time-old sacred rights of a particular minority community, and what guarantee is there that to-morrow, with the rising tide, the same itch continuing similar pranks would not be played on the religious usages and customs held equally sacrosanct by another minority community? (Cries of "No fear, No fear,, from the Coalition group). Sir, from time immemorial, from the days of Manu, down through the periods of Hindu Kings and Mogul rule and the British Raj, rent of land has been liable to be assessed according to the periodical valuation, of its yield. In every proprietory soil, wherever the land is held rent-free or at fixed rates, it has been so as the result of negotiations between the interested parties. If the landholders of Bengal have a permanent settlement of revenue, it is because the sovereign power, deliberately and in its own interest, entered into a contact with the people. (Maulvi ABDUL LATIF BISWAS: Rather in your own interest.) It certainly did not absolve the tenants from being periodically assessed for rent. We enjoy the right of the sovereign state in this respect. I would ask the House to come to facts. The Report of the great Rent Commission (Mr. SHAMSUDDIN AHMAD: We have read it.) Have you read it? Then in that case you would not have betrayed your gross ignorance in this matter. The great Rent

Commission of 1880 recognised this right and the whole course of legislation from 1793 to 1928 has recognised this and under certain restrictions has afforded every legal facility for putting this right into operation. Sir, if you are not satisfied with the existing laws for enhancement or reduction of rent, then change the law by all means but please do so on the lines of enquity and justice. But no Government with any sense of honesty or any claim on the loyalty of its subjects is entitled to get demented and in a fit of frenzy upset the existing order of things. You cannot call yourself a Government established by law, if you be entitled in the face of the established law of the country to declare by a stroke of the pen all lands to be not liable to assessment but only to reduction—what a joke of it,—and without even caring to enter into the fairness or otherwise of the prevailing rates of rent or into its economic effect on the people affected. And we are yet to see whether sub-section 299 (2) of the Government of India Act will not be a bar to such an enactment by the Legislature.

Sir, if you go through the existing provisions of law on the subject of enhancement of rent, you will be convinced that it is impossible for any body to claim an unfair rent from the tenant. Sir, my regret is all the more that a government, worth the name of a government, could have brought a Bill for amending an existing Act without studying the Act itself——

The Hon'ble Mr. A. K. FAZLUL HUQ: Supported by all sections of the House including the Congress.

Kumar SHIB SHEKHARESWAR ROY: No, supported by the majority section—Majority must rule.

By this amendment it has betrayed an unwarranted distrust of the judiciary of the land, for in section 35 of the present Act, the courts have been expressly prohibited from decreeing any enhancement which might be under the circumstances of the case unfair or inequitable notwithstanding anything in sections 30 to 34 of the Act. Such being the case what was the necessity for this suspension of the civil laws of the country? If the Government distrust the judiciary, let it abolish the judiciary altogether, have no fixed laws but have the country governed by ministerial decrees. (Jeering from the Coalition group.)

Mr. SPEAKER: Kumar Saheb, you may continue your speech after adjournment. I must adjourn the House for prayer.

The House was then adjourned for 20 minutes.

After adjournment.

Kumar SHIB SHEKHARESWAR ROY: I would like to know what has happened in the land so soon after the transfer of the administration to Mr. A. K. Fazlul Huq as head of the Ministry, to justify the introduction of such monstrosity in legislation impelled by such epileptic suddenness. Has there been a peasant upheaval or wide-spread agragrain riots to unhinge the minds of the majority in so absurd a fashion? I would ask Mr. Hashim—are the Bengal raiyats really groaning under the burden of rent or wallowing in poverty for that: The Revenue Minister himself the other day proved from statistics to the satisfaction of the House that the average rental in Bengal is less than one rupee per *bigha* and in spite of what Mr. Rasik Lal Biswas said the average income from the yield is about Rs. 20 per *bigha*. Sir, if we turn to Bihar, the average rent in Bihar is Rs. 2-8 per *bigha* and in the United Provinces it is about Rs. 6 per *bigha*. It ought to be clear as daylight to all except those who feign blindness that Bengal cultivators are the most lightly taxed of cultivators live in much greater affluence and comfort than their brethren elsewhere in India. If you want any tangible and easily available proof of this, go to the mills round about Calcutta or enquire at your nearest railway stations, how many coolies do you find there from among the the Bengal cultivator class. Sir,——

Mr. AFTAB ALI: On a point of order, Sir. I object to the expression "coolies".

Mr. SPEAKER: That is not a point of order.

Kumar SHIB SHEKHARESWAR ROY: Well, if my friend is satisfied, I should say labourers (Laughter).

Sir, as I have been saying, the cultivators of Bengal are much happier and contented than the cultivators in any other part of India. Sir, the agitation, the outcome of which is the present frenzied demand for the suspension of the civil law in Bengal, is flagrantly artificial and mischievously engineered to serve selfish ends. Sir, the faked character of the got-up *proja* movement would be apparent from the fact that even the august presence of the galaxy of Ministers could not attract more than 2,500 people at the Bogra Proja Conference and that the last Proja Conference at Gaibandha consisted of only about a score of people. Sir the most pathetic tragedy is that a responsible ministry has been seized with mob mentality. It has no sense of responsibility, no sense of justice and no sense of equity. Like weather cocks it changes its course with every gust of wind.

Chameleon like you change your colour. (The Hon'ble Mr. H. S. SUHRAWARDY: What about you.) The Hon'ble Labour Minister passes a remark. I have seen him change his colour many times—sometimes for "ayes" and sometimes for "noes", sometimes congressman, sometimes Government, and now a coalition. I must say it is rushing headlong towards a crisis in Bengal which British intervention alone can avert. Sir, all sense of equity and justice, decorum and decency seems to have disappeared from the face of Mother Bengal and in utter despair from the bottom of my heart I say—take away autonomy from Bengal and give us back the old British rule.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, the effect of my amendments is this that I want to extend the period of 10 years mentioned in sub-section (1) of section 75A to the period of 20 years. I also want that any enhancement made after the 1st April 1936 shall have no effect and the provision relating to enhancement shall be suspended not from the commencement of the Bengal Tenancy Amendment Act or from the 27th August 1937. There is an amendment of Mr. Nikunja Behari Maiti which wants that the provision relating to enhancement should be suspended from the 1st April, 1930, and I want to accept that amendment.

With respect to the extension of the period of 10 years to 20 years my reason is this. My idea is that there should be no enhancement at all. That about the sum of three crores of rupees is paid by zemindars to Government as revenue but it is an admitted fact that they realise from the tenantry about 20 crores of rupees, so there can be no question of enhancement of rent; the question of reduction can arise. My intention is that the provision for enhancement should be suspended forever but as that cannot be done I want to extend the period to 20 years. There is another reason why I want to extend the period. We all know that there is a revisional settlement every 15 years in Government khas mahals and temporarily-settled estates. There has been a recent revisional settlement in the district of Midnapore which was completed in 1936 and the enhancement was to take effect from the 1st April, 1937. The annual demand previous to the settlement was Rs. 6,08,464-12. After the settlement enhancement has been made to the amount of Rs. 84,576-11 and this enhancement was to take effect from the 1st April, 1937. The enhanced rent has not yet been realised. If the provision is to take effect from the 1st April, 1930, the enhancement that has been used will, as a matter of fact, come within the period. There is absolutely no reason why the tenants in the district of Midnapore under the Khas Mahals should not enjoy the benefit that is going to be conferred by this section. That is not the case of Midnapore alone, that is the case of other districts as well where settlement has been made including the temporarily-settled estates. I hear in the district

of Rangpur, in the district of Jalpaiguri there has been revision settlement recently and there has been enhancement. If the period of 1 years remains Government will not be affected, as there will not b any revisional settlement in the course of 10 years. It will affect th private zemindars alone. I do not understand why there should be distinction made in favour of Government and I want that the perio should be extended to 20 years.

Then comes the question of retrospective effect. I want that th suspension provision should take effect from the 1st April, 1930. Th reason why I have chosen 1st April, 1930, is, as we all know, tha from the year 1930, there has been economic depression; the price o the agricultural produce has fallen down, the price of paddy and th price of jute has fallen down abnormally by about 75 per cent. A question has been raised that in any legislation retrospective effect should not be given but if you refer to clause 8 of the General Clause Act you will find that legislation can be given a retrospective effect, and as in this particular case there has been economic depression all over the world from the 1st April, 1930. I hope you will all agree that as a matter of course this provision for enhancement would be suspended from the 1st April, 1930.

The next question is that if there has been an enhancement amicably by contract since 1st April, 1930, this enhancement should not have any effect. I know the tenants have yielded to the pressure of the zemindars and have been ready to enter into contract regarding enhancement of rent, in many cases illegal enhancement, i.e., exceeding 2 annas per rupee. If there has been any enhancement since the 1st of April, justice demands that these enhancements should not be given effect to. Of course, it is an admitted fact all over the world that those who do not labour should have no right to exist. The land-owning classes earn their livelihood not by any labour but they earn their livelihood from the unearned profit from the lands. Sir, socialism is progressing in the world and it is the only remedy for all evils. You have the picture before your eyes of a zemindar living in a palatial building and having delicious food and wearing rich garments where they spend their time in sleep and gossips, while side by side you have the picture of the tenants living in wretched huts having no clothes to cover their bodies and having sometimes half a meal a day. Look at the two pictures of the zemindar and the tenant. I submit, Sir, that these zemindaries should go and justice demands that they should go. This amendment is sought to be moved by the Government, I am quite sure, for giving relief to the tenantry. It has been proposed that enhancement of rent should remain suspended only for ten years and that any decree that would be passed since after the commencement of the Tenancy Act or the 27th of August, 1937, shall remain suspended for 10 years and any contract entered into shall remain suspended for ten years. I submit that this will not give any relief to tenantry. Our

demand is, and this is a pressing demand of the tenantry of Bengal, that there should not only be no question of enhancement but rent should be reduced further, at any rate, by 50 per cent. The Government statistics show that the yield per acre is Rs. 20 and the yield per bigha comes to Rs. 6 and odd; and if that be the yield, deducting the cost of cultivation and the cost of seeds and other things the yield per bigha comes to less than Rs. 3 while the rent payable per bigha, in my district of Tippera in some cases, is Rs. 6 to 7 and even Rs. 8. That, as a matter of fact, is the reason of the indebtedness of the peasantry as they cannot manage to make their both ends meet. So, I submit, Sir, that this amendment should be accepted. If the Government really wants to give some relief to the tenants, we hope and trust that they will accept the amendment that has been moved by us. If, as a matter of fact, the members of the Coalition Group are the real benefactors of the poor, they must show by their actions that they are really so by giving their wholehearted support to the amendment that we have proposed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I must, first of all, apologise for having changed the draft of my amendment rather too often but the exigencies of the situation necessitated that change—it was unavoidable so far I was concerned.

The justification for introducing clause 19 in the Bill is to put a stop to all enhancement of rent for a period of 10 years, so that in the meantime Government might appoint a Committee and might come to know from the report of that Committee what changes are necessary for bringing about a real improvement in the land tenure system and also in the economic condition of rural Bengal. That is the only justification for suspension of the enhancement of rent.

Sir, there has been, if I may say so with due respect, too much loose argument on the ground of giving immediate relief to the tenants as if that is really the object of this amendment. The object of this amendment is to put a stop to all enhancements pending the report of this Enquiry Committee. (A VOICE: Will it take 10 years to report?) It will not take 10 years. I hope the report will be ready in the course of two years or so, and that within the life-time of this House—if the present Government continues in office, we should be able to give effect to the recommendations of the Committee——

Dr. NALINAKSHA SANYAL: Why any hesitation or diffidence as to this Government's continuing in office?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I can tell Dr. Sanyal that I always speak with some amount of diffidence. I do not possess the self-confidence of Dr. Sanyal in every matter.

Sir, the effect of the suspension of enhancement on Government revenue should be realised. I congratulate Mr. Millar on the excellent

speech which he delivered on the subject. It has I am sure given room for thought to members belonging to all sections of the House. What is the object of their suspension? Do we propose to extend Permanent Settlement all over Bengal or do we propose to do away with that settlement? Doing away with the Permanent Settlement has been seriously suggested simultaneously with the proposal for suspension of all enhancements. Personally I am against the proposal. To those who propose abolition of the Permanent Settlement I may say that they really mean abolition of the Permanent Settlement at the top and an introduction of Permanent Settlement with jotdars and tenure-holders at the bottom. (Hear, hear.) The effect of the abolition on the financial position of Government, the financial position of the middle class population economic condition of the agriculturists and the financial position of the province as a whole should be fully realised before one should accept this proposal.

Sir, in the Bengal Tenancy Act Government retain sufficient power to give relief to the tenants, if they want to do so, and if they consider it necessary in a particular area. Suspension of enhancement is not necessary for the purpose. But the real justification, as I have already pointed out for clause 19 is not to give immediate relief to the tenant but to prevent further enhancement pending the report of the Enquiry Committee. The incidence of rent is certainly very low in Bengal, in spite of all that may be said by my friends opposite. The incidence of rent is not more than one rupee per bigha or Rs. 3 per acre which is not more than one-tenth of the gross produce. So, I do not think that the rent is at all a heavy burden on the tenants and it is a very small factor of his indebtedness. Enhancement of rent is necessary, because rent must bear a proportion to the produce and generally the idea is that the rent should not be more than one-fifth of the produce; actually it is one-tenth of the gross produce. If the value of the agricultural produce increases, it is only fair that the landlord should be given a portion of that increase.

Sir, Babu Rasik Lal Biswas has said that the landlord appropriate something like 20 crores legally and 8 crores illegally. I venture to think that his figures are wholly wrong; they are nothing like approaching the figures he has given and they are much smaller. (A VOICE: What is the figure of illegal collections?) Government do not maintain figures for illegal exactions.

Mr. M. SHAMSUDDIN AHMAD: Sir, are we to understand that the Hon'ble Revenue Minister in his reply is trying to make out that there should be no abatement or reduction of rent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as regards the amendment moved by Mr. Dhirendra Nath Datta and other members

suggesting an earlier date for giving retrospective effect to this Bill, my objection is that Government only propose to give retrospective effect from the date of the publication of the Bill, i.e., the 27th of August, 1937, that is the date on which the public came to know what the Government proposed to do. There will be no justification for going earlier than that date.

Mr. SPEAKER: Sir Bijoy, are you going to accept the amendment proposed by Mr. Abdul Bari, suggesting the 27th of August, 1937?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I propose to accept that amendment.

On the grounds I have stated above, Sir, I oppose all these amendments and commend the Government amendment, as modified by Mr. Abdul Bari, to the acceptance of the House.

Then the amendment of Mr. Curtis Millar that clause 19 be deleted was put and lost.

Mr. Dhirendra Nath Datta moved that in sub-section (*1*) of proposed section 75A for the word "ten" the word "twenty" be substituted.

The above motion was put and a division taken with the following result:—

AYES.

Abdul Hakim, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Jabbar Paiwan, Mr. Md.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Attab Ali, Mr.
Azimuddin Ahmad, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Bannerjee, Mr. Manoranjan.
Barma, Mr. Pusapajit.
Barman, Babu Shyama Prosad.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Joendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Muhammad Ibrahim, Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahadeali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hamid, Mr. A. M.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdullaal Mahmood, Mr.
Abdur Rahman, Khan Bahadur, A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hosain Joardar, Maulvi.
Ahmed Hosain, Mr.
Affazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barma, Babu Promhari.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Barasher, Mr. F. C.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Gammeter, Mr. E. O.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Briffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
MacLauchlan, Mr. C. S.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Birat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Mohammed Ali, Khan Bahadur.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Solaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mussarruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswal Haque, Mr. Syed.
Mustufa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nimmo, Mr. T. B.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Wahiur Rahman, Maulvi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yousuf Mirza.

The Ayes being 59 and Noes 101, the motion was lost.

The following motions were then put and lost:—

That in sub-section (*1*) of proposed section 75A for the words "from the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937" the words "from the 1st day of April, 1936" be substituted.

That in sub-section (*1*) of proposed section 75A for the words "from the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937" the words "with effect from 1st day of April, 1937" be substituted.

The following motions were then put and agreed to:—

That in sub-section (*1*) of the proposed section 75A for the words 'date of the commencement of the Bengal Tenancy (Amendment) Act, 1937" the words "27th day of August, 1937" be substituted.

That in sub-section (*2*)(*a*) of proposed section 75A after the word "Act" in line 2 the words and figures "including section 52" be inserted.

The amendment of Mr. Nikunja Behary Maiti that in sub-section (*2*) (*a*) of proposed section 75A for the words "on or after the twenty-seventh day of August, 1937, and before the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937," the words "since the first day of April, 1930, save and except those which have been in the mean time executed" be substituted, was then put and a division taken with the following result—

AYES.

Abdul Hakim, Maulvi.
Abdul Jabbar Palwan, Mr. Md.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Aftab Ali, Mr.
Ahmuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerjee, Mr. Manoranjan.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Bhawmik, Dr. Govinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dhibi, Mr. Harendra.
Datta Gupta, Miss Mira.
Abdul Haque, Khan.
Ahmeddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Muhammad Ibrahim, Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Ramizuddin Ahmad, Mr.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Kalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES.

Abdul Aziz, Maulana Md.
Abdol Bari, Moulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hamid, Mr. A. M.
Abdul Kadar, Mr.
Abdal Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Sayed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur, A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hassain Joardar, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin, Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barma, Babu Pramhari.
Biswas, Babu Lakshmi Narayan.
Brasher, Mr. F. C.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Farhad Raza Chowdhury, Mr. M.
Farhat, Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlur Rahman, Mr.
Fazlul Quadir, Khan Bahadur Maulvi.
Gammeter, Mr. E. O.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Mafizuddin Chawdhury, Maulvi.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmad, Khan Bahadur.
Mondal, Mr. Amrita Lal.
Mandal, Mr. Birat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Moslem Ali, Mollah Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Mohammed Ali Khan, Bahadur.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Solaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musarruff Hossain, the Hon'ble Nawab Khan Bahadur.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaj Srie Chandra of Kasimbazar.
Nasaru lah, Nawabzada K.
Naushor Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khawaja Sir, K.C.I.E.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bejoy Prasad Singh, Kt.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A,
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Totel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yousuf Mirza.

The Ayes being 60 and the Noes 92, the motion was lost.

The following motions were then put and lost:—

That in sub-section (2)(*a*) of proposed section 75A for the words "27th day of August, 1937," the words "1st day of April, 1936," be substituted.

That in sub-section (2)(*a*) of proposed section 75A for the words "twenty-seventh day of August", the words "first day of April" be substituted.

That for sub-section (2)(*b*) of proposed section 75A, the following be substituted, namely:—

"(*b*) Any enhancement of rent that has been made by contract entered into between a landlord and a tenant between the 1st day of April, 1936, and the date of the commencement of the Bengal Tenancy (Amendment) Act, 1937, shall have no effect."

That in sub-section (2)(*b*) in proposed section 75A before the word "contract" the words "compromise or" be inserted.

Mr. SPEAKER: The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy, as further amended by the amendments of Maulvi Abdul Bari (Nos. 5, 6) and Maulvi Ahmed Hossain (No. 7). As many as are of the same opinion will say "Aye" and those who are of the contrary opinion will say "No".

The motion was then put and agreed to.

Clause 19.

The question that clause 19, as amended, stands part of the Bill was put and agreed to.

Mr. SPEAKER: There are remaining two clauses, i.e., clauses 30 and 36.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there are certain consequential amendments regarding clause 36.

Mr. SPEAKER: Do you want to make any consequential change in clause 36 now?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. SPEAKER: Have you anything further to say? Are you to move a consequential amendment in that section again? They were all carried.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I submitted a list of amendments to-day. They are merely of consequential nature. I beg to move that in sub-clause (*3*)—clause (*5*) (*c*) (*iii*) of section 189, the Act—for the words, figures, letter and brackets "in sub-section (*2*) of section 85B, and in sub-sections (*2*), (*3*) and (*5*) of section 88" the words, figures and brackets "and in sub-section (*5*) of section 88" be substituted.

Mr. SPEAKER: I will just explain. The House will remember that we put all amendments under clause 36, but they were not put to vote because of some consequential changes that might be inevitable owing to the fact that sections 80 and 85 had taken different shape. I may read it—

"That in sub-clause (*3*)—clause (*5*) (*c*) (*iii*) of section 189, the Act for the words, figures, letter and brackets "in sub-section (*2*) of section 85B and in sub-sections (*2*), (*3*) and (*5*) of section 88" the words, figures and brackets "and in sub-section (*5*) of section 88" be substituted.

The motion was then put and agreed to.

Clause 36.

The question that clause 36 as amended stands part of the Bill was put and agreed to.

Clause 30.

Dr. NALINAKSHA SANYAL: Sir, with reference to clause 30, I have got first amendment on the list. The amendment number is 1396.

Mr. SPEAKER: This amendment depends on your another amendment No. 1426 which is beyond the scope of the Bill.

Dr. NALINAKSHA SANYAL: Sir, as I read it, the Bengal Tenancy Act of 1885, defines a "landlord" as a person immediately under whom a tenant holds land, and includes the Government; and "rent" means "whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord". I submit that this section 148 is a section which provides for realisation of rent, and, Sir, when that section is touched and not only touched but rather very seriously modified, it is within the jurisdiction of this House to lay down the procedure for realisation of rent of every kind including the rent under Government estates. My amendment is directed only to lay down a uniformity of policy in realisation of rent, as the Hon'ble Minister has actually assured this House, and I suppose in view of this there can be no difficulty whatever for the Hon'ble Minister to accept this little amendment, which reflects the assurance given by him and his party perhaps. I submit that this is a matter in which the members of different groups in this House have expressed themselves——

Mr. SPEAKER: You cannot discuss the merit of your amendment. I am hearing about the admissibility of your amendment.

Dr. NALINAKSHA SANYAL: In that case I submit that section 148 relates to realisation of rents and I am only proposing one sub-clause to provide that "Notwithstanding anything contained in Chapter XIIIA of this Act or any other enactment no rent shall be realised from any tenant except under the provisions of this Act for realisation of rents." Sir, my proposition simply is that realisation of rent will not be done by any other provisions than the provision in this Act on the subject.

Mr. SPEAKER: I have understood it clearly and you also have understood it clearly.

Dr. NALINAKSHA SANYAL: I do not understand.

Mr. SPEAKER: I would appeal to your conscience and your conscience will say that your amendment is out of order. Amendments Nos. 1396 and 1426 are out of order.

Babu PREMHARI BARMA: Sir, I beg to move that at the end of sub-clause (*1*) of clause 30, after the word "and" the words "the sub-clause (*i*) of section 148 of the said Act is hereby repealed" be added.

Mr. SPEAKER: I am afraid this is not in order.

Babu PREMHARI BARMA: I think it is in order because section 148 is within the purview of the Bill.

Mr. SPEAKER: I will consider the admissibility of the order later on.

Mr. MANMATHA NATH ROY: I beg to move that clause 30 (*2* (*a*) be omitted.

Babu PREMHARI BARMA: Sir, I beg to move that in clause 30 in proposed section 148 (*ia*) in line 3, after the word "letter" the words "with acknowledgment due" be inserted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 30(*2*)(*d*) in line 4 for the word "thirty" the word "sixty" be substituted.

I also beg to move that in clause 30(*2*)(*e*) for the word "thirty" the word "sixty" be substituted.

Mr. ABDUL KARIM: Sir, I beg to move that in clause 30 (*2*) (*f* the words "from their present context" and the said words shall b inserted after the words, letters and brackets "under sub-clause (*ii* he may" be omitted.

Babu NAGENDRA NATH SEN: I beg to move that after claus 30, the following be inserted, namely:—

"30A. Sub-section (*9*) of section 148A" shall be omitted.

The Hon'ble BIJOY PRASAD SINGH ROY: Sir, this amendmen (1427) is out of order because it touches 148A which is not touched i the Bill.

Babu NAGENDRA NATH SEN: Sir, I may be permitted to say something. If it is not accepted, there will be conflict with clause 29. Sub-section (*2*) of this clause says "Nothing in sub-section (*1*) shall be deemed to prevent a landlord instituting a suit——" Section 148 compells landlords to bring their suits. I am placing before you section 148A which says "A co-sharer landlord may institute a suit to recover the rent due to him in respect of his share in a tenure or holding, by making all the remaining co-sharer landlord parties defendant to the suit—" Sir, the tenant will be much affected by this——

Mr. SPEAKER: That is not the point touched in the Bill. It is out of order.

Babu PREMHARI BARMA: Sir, sub-clause (*1*) of section 148 is in order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have submitted an amendment slightly modifying 1408.

My amendment is that for the words "a period of thirty days has elapsed since the date of the issue of the said postcard" the words "a period of sixty days has elapsed since the date of the decree" be substituted in sub-clause (*2*)(*d*) and for the words "thirty days from the date of posting of the registered postcard under sub-clause (*iii*)" in sub-clause (*2*)(*e*)(*iiia*) the words "sixty days from the date of the decree" be substituted.

Mr. SPEAKER: Mr. Bari, I have just now gone through the amendments and find that section 148 has not been touched.

Maulvi ABDUL BARI: Sir, you will find that section 148 of the present Act has been sought to be amended and particularly section 148 (*k*), and section 148 (*k*) relates to the procedure of special summons and moreover after that (*k*) comes the amendment. That will show

that this amendment is in order because section 148 itself has been touched and some of its sub-sections have also been touched. Therefore when the main section has been touched and sub-sections sought to be altered I submit that this amendment is in order.

Mr. SPEAKER: I am afraid not. I think Mr. Bari well realises that section 148 (*k*) consists of several procedure and unless one is touched it cannot be put in in an amendment.

I think now amendments Nos. 1398-99, 1401, 1408, 1414 and 1423 remain, but some of these will not arise if Sir Bijoy's amendment is carried.

The question before the House is the amendment moved by the Hon'ble Sir Bijoy Prasad Singh Roy that for the words "a period of thirty days has elapsed since the date of the issue of the said postcard" the following words be substituted in sub-clause (2) (*d*), namely, "a period of sixty days has elapsed since the date of the decree". He also moves as a necessary part of it that for the words "thirty days from the date of posting of the registered postcard under sub-clause (*m*)" in sub-clause (2) (*e*) (*iiia*) the words "sixty days from the date of the decree" be substituted.

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is the amendment of Maulvi Abdul Hafiz that clause 30 (2) (*a*) be omitted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Government are prepared to accept that amendment.

The motion was then put and agreed to.

Mr. SPEAKER: Amendments No. 1408 and No. 1414 do not arise in view of Sir Bijoy's amendment being carried.

The question before the House is the amendment of Babu Premhari Barma that in clause 30 in proposed section 148 (*ia*) in line 3, after the word "letter" the words "with acknowledgment due" be inserted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am prepared to accept the amendment.

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is the amendment moved by Mr. Abdul Karim that in clause 30 (2) (*f*) the words "from their present context" and the said words shall be inserted after the words, letters and brackets "under sub-clause (*ii*) he may" be omitted.

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is that clause 30 as amended stands part of the Bill.

The motion was then put and agreed to.

New clause 34A.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that for sub-section (*14*) of section 180A of the said Act, the following sub-section shall be substituted, namely—

"(14) The premium or any instalment thereof shall be recoverable as rent, and interest shall not be payable on any instalment in respect of which default has not been made."

New clause 15A.

I also beg to move that in section 49D of the said Act the words, figures and letter "subject to the provisions of section 48H" shall be omitted.

Mr. SPEAKER: The question before the House is the new clause 15A moved by the Hon'ble Sir Bijoy Prasad Singh Roy.

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is that after clause 34, a new clause 34A be put in, namely—

"The premium or any instalment thereof shall be recoverable as rent, and interest shall not be payable on any instalment in respect of which default has not been made".

The motion was then put and agreed to.

Mr. SPEAKER: The question before the House is that new clauses 34A and 15A stand part of the Bill.

The motions were then put and agreed to.

Mr. SPEAKER: The question before the House is that the preamble stands part of the Bill.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned till 3 p.m. on Thursday, the 30th September, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 30th September, 1937, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.,) in the Chair, the ten Hon'ble Ministers and 208 members.

STARRED QUESTIONS

(to which oral answers were given)

Flooding of Tollygunge and Panchanogram.

***335 and *336. Maulvi ABU HOSSAIN SARKAR and Mr. RAMIZUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the steps taken by the Public Health Department to relieve flooding of Tollygunge and Panchanogram area since the statement was made by the Hon'ble Minister?

(*b*) Is it a fact that technical experts of the Government were aware that such contingencies would arise due to silting of the river Bidyadhari?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table copies of the schemes prepared either by the Public Health Department or the Irrigation Department to drain the area?

(*d*) Have any of these schemes been given effect to? If not, why not?

(*e*) Have the Government taken expert advice to show that no relief is possible till the storm-water channel from Bantola to Kulti as provided in the Corporation Scheme known as Dr. B. N. Dey's Kulti Outfall Scheme, is completed?

(*f*) Will the Hon'ble Minister be pleased to state—

(*i*) when Dr. B. N. Dey's Kulti Outfall Scheme was first placed by the Corporation before the Government; and

(*ii*) when was it sanctioned under section 251 of the Calcutta Municipal Act?

(*g*) Is it a fact that the delay in according sanction to the said scheme was mainly due to the proposal for restoring Bidyadhari being considered by the Government at that time?

(*h*) Is it a fact that Government in their letter No. 4005-I., dated the 17th July, 1928, stated:—"The Governor-in-Council regrets that this Government is not in a position to comply with the request made by the Corporation and has no intention to maintain the river Bidyadhari"?

(*i*) Is it a fact that the Secretary, Government of Bengal, Irrigation Department, in D.-O. No. 8646 of 1928, stated:—"Government are advised that it is practically impossible to maintain the Bidyadhari"?

(*j*) Will the Hon'ble Minister be pleased to state the reasons for altering the policy regarding the maintenance of the river Bidyadhari in 1931?

(*k*) Is it a fact that an officer of the Irrigation Department was put on special duty to look into the proposal of reviving the river Bidyadhari?

(*l*) Will the Hon'ble Minister be pleased to state what were the findings of the said officer?

(*m*) Will the Hon'ble Minister be pleased to state their final policy regarding the rivers Bidyadhari and Peali?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) The Public Health Department was advised by the experts of the Engineering Department that on account of the silting up of the Bidyadhari river which was the natural drainage outlet for the accumulation of the water in this area, relief by gravity flow was no longer possible and that the only possible way of giving relief would be, after the cessation of the monsoon, to isolate the homestead area by the construction of an embankment and then to dewater such area by pumping into the storm-water channel of the Calcutta Corporation. The Chief Engineer, Irrigation, has been asked to prepare a scheme for draining this area effectively.

(*b*) It was a known fact that the area would be more or less affected by the flood, but the unusual flood of this year was mainly due to the heavy rainfall which could not be foreseen.

(*c*) No scheme was prepared in either of these departments as it was found that nothing short of completion of the Kulti Outfall Scheme would solve the problem.

(*d*) Does not arise.

(*e*) Yes, the Chief Engineer, Irrigation, is of opinion that no relief is possible till the Kulti Outfall Scheme is completed.

(*f*) (*i*) In September, 1930.

(*ii*) In July, 1935.

(*g*) The delay was due to the fact that the scheme submitted by Dr. Dey had to be examined very carefully by experts appointed by Government. On receipt of the scheme a Committee was appointed by Government. The Committee condemned Dr. Dey's scheme and were unable, on the data available, to offer a definite opinion as to what outfall would be the best. They considered several schemes put forward, including Mr. Griffin's scheme for the revival of the Bidyadhari river and suggested that the details of Mr. Griffin's scheme should be worked out by an Engineer to be put on special duty.

In April, 1934, my hon'ble predecessor in charge of this department called a conference in which it was decided that the Chief Engineers, Irrigation and Public Health, should meet the Corporation Chief Engineer and settle the differences relating to Dr. Dey's scheme. Some degree of agreement was reached between the Engineers and in another conference called by him on the 26th May, 1934, it was decided to accept Dr. Dey's scheme.

(*h*) and (*i*) Yes.

(*j*) Government have not changed their policy.

(*k*) Yes.

(*l*) His findings were against the possibility of reviving the Bidyadhari river.

(*m*) Government do not propose to maintain the Bidyadhari. Regarding the Peali river, the question of its improvement is under consideration. Such improvement is only possible with the co-operation of the *zamindars* by throwing open areas contiguous to the river for free spilling.

Extra-copyists of the Registration Department.

*337. **Mr. NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is in the contemplation of the Government to make permanent the extra-copyists of the Registration Department, who are of five years' continuous service with the privilege of pension and provident fund of the service of extra period taking into account at the time of pension the extra period they have already served out?

(*b*) If not, why not?

(*c*) If so, from what date?

(*d*) Will the Hon'ble Minister be pleased to state how many registrars and sub-registrars in the office of the Registrar of Assurances, Calcutta, during the ten years ending with 31st March, 1936, were—

(*i*) graduates; and

(*ii*) below the Matriculaton standard?

(*e*) Is the Hon'ble Minister aware that a departmental examination was held for the first time in September, 1936, by the then Registrar of Assurances, Calcutta, from amongst the extra-copyists and three came out successful?

(*f*) Is the Hon'ble Minister aware that one outsider was taken into the permanent staff while two others are still continuing as extra-copyists?

(*g*) Is the Hon'ble Minister aware that the extra-copyists of the Registration Department—

(*i*) do exactly the same nature of work as the permanent copyists;

(*ii*) officiated in place of permanent copyists more than once; and

(*iii*) some time copied much more than the scheduled work?

(*h*) Will the Hon'ble Minister be pleased to state what are their future prospects in service?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) It very seldom happens that an extra *muharrir* is in continuous employment for five years as they are only entertained to deal with any surplus work which the permanent staff cannot perform. The Government do not therefore contemplate appointing such men permanently.

(*c*) Does not arise.

(*d*) (*i*) None.

(*ii*) Two.

(*e*) Yes.

(*f*) Yes. The outsider who was taken in is a graduate and the late Registrar considered that the qualifications of two other passed candidates who were only non-Matrics were not up to the mark. Under the existing orders vacancies in clerical posts in the Sadar Registration offices are to be filled up by the selection from among deserving extra *muharrirs* who have passed Matric, the I.A., or the I.Sc. Examination.

(*g*) (*i*) Yes.

(*ii*) Yes, but these were only temporary leave vacancies.

(*iii*) For extra *muharrirs* who are paid at piece work rate there is no fixed standard of copying work.

(*h*) Under the present conditions, these outsiders employed as extra-copyists have little chance of permanent appointment.

Mr. NAGENDRA NATH SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state the reason for not retaining the men who have rendered service for a continuous period of 12 years on the permanent establishment?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is more or less a hypothetical question. If a case like that arises, it will have to be dealt with on its merits.

Mr. NAGENDRA NATH SEN: With reference to answer (*h*), will the Hon'ble Minister be pleased to state what objections there are to drafting these men on to the permanent establishment?

The Hon'ble Mr. A. K. FAZLUL HUQ: They will be considered on their merits.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to refresh his memory by referring to his answer given on the 18th of last month and state whether out of 34 extra copyists, 32 are in temporary service serving for more than 5, 10 and even 20 years?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, that is so.

Head Masters, Assistant Head Masters, Superintendents and Assistant Superintendents of Government High Schools in Bengal.

*338. **Mr. JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the number of—

(*i*) Head Masters, Assistant Head Masters, Superintendents and Assistant Superintendents of Government high schools for boys and training and normal schools in Bengal; and

(*ii*) officers belonging to the grade of assistant masters from whom promotions are normally made to the kinds of posts indicated in clause (*i*) above?

(*b*) Is it a fact that for the purpose of recruitment of officers mentioned in question (*a*) (*i*) above, the possession of good academic and professional degrees with satisfactory evidence of teaching experience, knowledge of account rules and practice, power of organisation and management, maintenance of discipline, and strong personality is a *sine qua non*?

(*c*) Is it a fact that prior to 1930 officers mentioned in question (*a*) (*i*) above, used to be recruited by the promotion of men in service of proved ability and possessing the qualifications indicated in clause (*b*)?

(*d*) Is it a fact that the method of recruitment has since been chang and raw outsiders are often appointed to posts mentioned in quest (*a*) (*i*) above in total disregard of the claims of men in service w possess the requisite qualifications and are officers of proved ability a merit?

(*e*) Is it a fact that during 1937 six outsiders have been appointed two as head masters and four as assistant head masters—in spite of t fact that men in service with better qualifications and claims in respects were available for appointment to posts to which outsiders ha been appointed?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 93.

(*ii*) 381.

(*b*) Yes, these are the qualifications that are generally taken in consideration in making appointments to the posts mentioned.

(*c*) Yes.

(*d*) The claims of men in service are considered before a decisio is taken as to whether a particular vacancy should be filled up by pro motion or by outsiders.

(*e*) Six outsiders were appointed but it is not correct to suggest tha departmental officers were superior to these six men in all respects.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of the Education Department be pleased to state in what respects the departmental officers were found to be inefficient?

The Hon'ble Mr. A. K. FAZLUL HUQ: That was a question which was decided by the appointing authority. I cannot now state the reasons in detail.

Dr. NALINAKSHA SANYAL: There have been specific reasons stated for selection in question (*b*), to which the reply that has been given is in the affirmative and the qualifications mentioned are generally taken into consideration in making appointments. With reference to this, will the Hon'ble Minister kindly refresh his memory and state in which of these respects these men in the department have been found to be wanting?

The Hon'ble Mr. A. K. FAZLUL HUQ: It may be with respect to one or two, it is difficult for me to say. Those who made these appointments followed the rules and took these facts into their consideration.

Names and castes of the Chairman and members of the Pirojpur Special Board.

*339. **Mr. UPENDRANATH EDBAR:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing—

(*i*) the names of the Chairman and members of the Special Debt Settlement Board at Pirojpur where the scheduled castes form the major portion of the Hindu population; and

(*ii*) their respective castes?

(*b*) Is it a fact that Abdul Karim Talukder, one of the members of the aforesaid Special Debt Settlement Board, was convicted of a very serious offence (breach of trust) under section 409 of the Indian Penal Code in connection with a Central Bank case?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister consider the desirability of holding an immediate inquiry into the matter and remove him from the said board?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) A statement is laid on the table.

(*b*) Maulvi Abdul Karim Talukder was convicted in 1934 under section 409, Indian Penal Code, but the offence was not serious, and was only technically an offence: the sentence awarded was nominal, a fine of Rs. 5 only.

(*c*) An enquiry has been made: it is not intended to remove Maulvi Abdul Karim Talukder from the board: he appears to possess the confidence of the local people, inasmuch as he is an elected Commissioner of Pirojpur Municipality.

Statement referred to in the answer to clause (a) of starred question No. 339.

Name.	Caste.
Chairman.	
Babu Sudhir Chandra Ray, Circle Officer (*ex-officio*)	... Vaidya
Members.	
Maulvi Momtazuddin Ahmed	
Maulvi Mafijuddin Ahmed Choudhury	... Muhammadan
Maulvi Abdul Karim Talukder	
Babu Abinash Chandra Nag	... Kayastha

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the ratio between Muhammadans and non-Muhammadans has been observed in this case as regards the personnel of this committee?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There is no question of communal ratio in selecting members for appointments to these boards.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether the offence for embezzlement of public money is not a serious offence whatever may be the amount?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a matter of opinion, and it depends upon circumstances of each case.

Mr. PRAMATHA RANJAN THAKUR: In view of the fact that scheduled caste people form a major portion of the population of the Perojpur subdivision, will the Hon'ble Minister be pleased to state the reason why he did not issue instructions to the local officers to see that scheduled caste members might be taken on the Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the Act and the rules framed thereunder and would add that there is no question of communal representation for the appointment of members of the Debt Settlement Boards.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the fact of this gentleman being previously convicted was known to the Government at the time of the nomination?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of this but I may state the facts for the information of the House, that this incident happened some time in 1930. Maulvi Abdul Karim Talukdar was Secretary of a rural society. He along with the cashier took a certain sum from the Central Bank for payment to the members of the rural society. The cashier retained the money and this fact was brought to the notice of the court in 1934 and the money was paid in the course of a few months. The Magistrate held that the offence was a technical one.

Mr. UPENDRA NATN EDBAR: Is the Hon'ble Minister aware that a motion was filed against his conviction and he was called upon to show cause why the punishment inflicted on him should not be enhanced and his case committed to sessions?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of this.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state if it is a fact that the offence was a technical one and he was fined Rs. 5?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is so, as I have already stated.

Scheme to drain out the water from Barachouka area, Midnapore.

***340. Mr. NIKUNJA BEHARI MAITI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware whether a large tract of cultivable land called the Barachouka area in the Pataspore police-station, Midnapore, remains water-logged during the rains and produces generally very little crops and this has been continuing for many years past?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government have any scheme to drain out the water of that area?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to lay it on the table?

(*d*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to expedite giving effect to the same?

(*e*) If the answer to (*b*) be in the negative, will the Hon'ble Minister be pleased to formulate a scheme for the purpose and give effect to it at the earliest possible moment?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) and (*b*) Yes.

(*c*) and (*d*) The scheme requires further examination from the sanitary point of view and is not, therefore, complete or ready for execution.

(*e*) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long will his department take for this further examination?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am sorry I cannot give any idea of the time.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister kindly state how long this scheme has been hanging fire?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am afraid I cannot answer that without notice.

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister be pleased to state whether the obstructions of the Barachowka area would be completely drained out?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am sorry it is not possible at this stage to go into the details of the scheme, but I believe the idea is to drain out the area.

Water-logged thanas in Midnapore due to the overflowing of the Kaliaghai river.

***341. Mr. NIKUNJA BEHARI MAITI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that large portions of the Bhagwanpore, Pataspore, Sabang, Nandigram and Khedgree thanas of the Midnapore district are put periodically under water due to the overflowing of the Kaliaghai river?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government have formulated any schemes to avoid the menace?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to lay them on the table?

(*d*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state when they are going to be put into action?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Within the thanas mentioned, there are many lowlying lands which remain more or less water-logged due to deficient drainage of local rainfall. The Kaliaghai river does not spill over them except on rare occasions when the Amarshi embankment is breached. The last breach in that embankment occurred in 1926.

(*b*) Yes.

(*c*) and (*d*) The schemes are being examined from the sanitary and financial points of view and are not yet ready for execution.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state when these schemes are expected to be ready for execution?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: At an early date.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the delay is due to the inaction or delayed action of other departments like the Sanitary Department or the Finance Department over which the Hon'ble Minister has no control?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I think that is partly true.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this question has been hanging fire since 1913, that is, for more than two decades?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am not aware of the fact.

Bandalling near Tilli in Manikganj subdivision, Dacca.

***342. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Communication and Works (Irrigation) Department be pleased to state whether he is aware—

(*i*) that the steamer company (River Steam Navigation and India General Navigation Company) has been diverting the current of the Beutha river in the Dhaleswari river by putting bamboo fencing—technically called bandalling—near Tilli in the subdivision of Manikganj in the Dacca district; and

(*ii*) that as a result of such bandalling the mouth of the Beutha river has been considerably silted up and is being alarmingly silted?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of asking the steamer companies to remove the bamboo fencing?

(*c*) Is it a fact that a few years ago Mr. B. C. Prance, the then District Magistrate of Dacca, issued an order against the putting of such bandalling in the Dhaleswari river?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) and (*b*) An enquiry is being made.

(*c*) Mr. Prance issued an order in 1933 against the putting up of fishing bandals in the river Dhaleswari.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state the approximate date when the report of the enquiry is expected?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: At the earliest possible opportunity.

Maulvi ABDUL LATIF BISWAS: Is the Hon'ble Minister awar that the silting up of the mouth of a river gives rise to a hot bed c malaria and other diseases?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: The silting up of any river is a serious matter.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister b pleased to state whether the Steamer companies have any right t bandal the mouth of a river?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: As I have already stated, I am enquiring into the matter.

Baranal-Selimpure Drainage Scheme, Khulna.

***343. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state what measures the Government have taken to give effect to the Baranal-Selimpure Drainage Scheme (Khulna)?

(*b*) Is he aware of the fact that for want of proper outlet of water a very large area of land remains water-logged?

(*c*) Is he aware of the fact that the people of Terakheda police-station in the district of Khulna have been suffering mainly from frequent failure of crops, cholera, malaria and other epidemics for more than twenty years?

(*d*) When do the Government propose to materialise the scheme?

(*e*) Is the Government aware that a portion of the Naukhali *Khal* in the subdivision of Satkhira (Khulna) was excavated last year?

(*f*) Is the Government aware of the fact that no useful purpose may be served unless and until the remaining portion of the said Naukhali *Khal* is excavated immediately?

(*g*) Do the Government propose to take up the incompleted work of the said Naukhali *Khal* this year in autumn?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) and (*d*) A scheme at an estimated cost of Rs. 2,56,606 for the drainage of the Baranal-Selimpure *Beel* was prepared in 1928 under the Bengal Agricultural and Sanitary Improvement Act of 1920. No steps have yet been taken to give effect to the scheme, as the local people are unwilling to bear their share of the cost.

(*b*) Yes.

(*c*) Complaints were received from the people from time to time.

(*e*) Yes, but about one-third of the work still remains to be done.

(*f*) Yes.

(*g*) The incompleted portion will be excavated by the Khu'na District Board.

Mr. NAGENDRA NATH SEN: What would be the portion of the local people out of Rs. 2,56,606?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: The usual proportion.

Mr. NAGENDRA NATH SEN: Is there any rule under which Government will undertake to defray the entire cost?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: There is no such rule.

Closure of the lock-gates of the Madaripur Bheel Route Canal.

*344. **Mr. SHAMSUDDIN AHMED KHANDKAR:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that lock-gates on the southern bank of the Madaripur Bheel Route Canal are closed in such a manner that flood water rushes in towards the north causing great damage to crops over a big area?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government has received a large number of representations from the affected people requesting the adoption of adequate steps in the matter?

(*c*) If so, what action has been taken?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) This is not a fact.

(*b*) Representations have occasionally been received from the people of the locality complaining about inadequate drainage.

(*c*) Hydraulic information is being collected to see if a drainage scheme is feasible.

Mr. PRAMATHA RANJAN THAKUR: Is the Hon'ble Minister aware that the people of the flood affected area suffer every year, because the lock-gates are closed and the District Magistrate has to keep police force there every year to guard the embankments?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It may be that the District Magistrate has to guard the sluice for preventing unauthorised persons operating on it.

Mr. PRAMATHA RANJAN THAKUR: Is the Hon'ble Minister aware that the area remains flood affected every year, as the water of another canal which falls into this canal is not sufficiently deep as a result of which water cannot pass quickly?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: That is not my information.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that the difference between the water levels on the two sides of the sluice gate varies from two to four cubits?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have no personal knowledge.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that as a result of that sluice gate not properly working, the lands on the northern side of the gate remain overflooded from June to August and on the southern side water rushes in so forcibly that vast areas of land become devastated every year causing damage to crops?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Certainly the lock-gates are not responsible for the inundations referred to.

Mr. PRAMATHA RANJAN THAKUR: Is it a fact that the District Magistrate realises a sum of Rs. 2,000 from the poor tenants for the re-excavation of the canal?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Rate of charge for electricity supplied by the Dacca Electric Supply Company, Limited.

***345. Mr. MANORANJAN BANNERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state the rate of charge per unit of electricity that is supplied to the general public by the Dacca Electric Supply Company, Limited, and the rate per unit that is charged to the Dacca University?

(*b*) Is the Hon'ble Minister aware that the rate for the general public is disproportionately high to the cost involved?

(*c*) Will the Hon'ble Minister be pleased to state the dividend that was declared by the company during the last five years?

(*d*) Is the Hon'ble Minister aware that owing to the high rate, the municipality is experiencing difficulty in extending street lighting in many places within the municipality?

(*e*) Will the Hon'ble Minister consider the desirability of appointing a committee under the Indian Electricity Act (Act IX of 1910) to fix the maximum charge per unit of electricity?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The charge for lights and fans for domestic consumers is annas 5 per unit net, i.e., 6 annas per unit less a rebate of 1 anna per unit for prompt payment of bills. The average rate is 3·7 annas per unit. The rate charged the Dacca University is 4 annas per unit less 6 pies rebate for prompt payment.

(*b*) This is a matter of opinion.

(*c*) 10 per cent. per annum.

(*d*) That is the complaint of the Dacca Municipality.

(*e*) The matter is under the consideration of Government.

Mr. NAGENDRA NATH SEN: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether there has been an enquiry on the complaint being made by the Dacca Municipality?

The Hon'ble Mr. H. S. SUHRAWARDY: That is merely the complaint of the Dacca Municipality. I do not think any reference was made to Government.

Mr. ATUL KRISHNA GHOSE: With reference to replies (*b*) and (*d*), may I know what steps the Hon'ble Minister is going to take?

The Hon'ble Mr. H. S. SUHRAWARDY: The answer is given in (*e*).

Mr. NIHARENDU DUTTA MAZUMDAR: Since when the Dacca Municipality has been complaining about the high rates?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know.

Mr. NIHARENDU DUTTA MAZUMDAR: Has the Hon'ble Minister made any enquiry to find out since when the Dacca Municipality has been making complaints and what steps has the Hon'ble Minister taken so far?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not considered it necessary to find out since when the Dacca Municipality has been making complaints.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of the fact that the Company has been paying 10 per cent. per annum as dividend, has the Hon'ble Minister considered it necessary to find out since when the complaint has been made as a matter affecting the citizens of Dacca generally?

The Hon'ble Mr. H. S. SUHRAWARDY: I have said that I do not consider that necessary.

Commissioners of Chittagong Division.

***346. Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Home (Appointment) Department aware—

(*i*) that two Divisional Commissioners were promptly reverted and transferred from Chittagong; and

(*ii*) that Mr. Twynam was sent by Air to take over charge from Mr. Graham who was ordered by telegram to make over charge at once?

(*b*) If the answer to (*a*) is in the affirmative, what were the reasons for such prompt action?

(*c*) Is it a fact that the inspection remarks of Mr. Graham at the Mirsarai thana were expunged under order of the Provincial Government?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what were the inspection remarks of Mr. Graham which were expunged?

(*e*) How long was Mr. Graham the Commissioner of Chittagong Division?

(*f*) What was the reason of Mr. Graham's sudden reversion and transfer?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) During the relevant period the present Government were not responsible but I understand that one acting Commissioner was transferred to another post owing to the sudden departure on leave of Mr. Swan, C.I.E., I.C.S., Mr. Graham who succeeded him in acting capacity was relieved by Mr. Twynam, Commissioner of the

Presidency Division. Mr. Twynam was not directed to travel by aeroplane. He made his own arrangements. No telegram directing Mr. Graham to make over charge can be traced.

(*b*) It is not unusual for Government to act promptly.

(*c*) and (*d*) I have no information.

(*e*) From the 6th December, 1934, to the 31st January, 1935.

(*f*) The public interest.

Mr. NAGENDRA NATH SEN: What is the present position of Mr. Graham?

Mr. SPEAKER: You can find that out from the Civil List.

Mr. NAGENDRA NATH SEN: He is shown as Commissioner of the Chittagong Division but he is not there now.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think he is shown as Commissioner of the Chittagong Division.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*f*), viz., public interest, was Mr. Graham a menace to the public of Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. NIHARENDU DUTTA MAZUMDAR: Then what interest has been served by the transfer of Mr. Graham?

The Hon'ble Khwaja Sir NAZIMUDDIN: In the public interest it was necessary that Mr. Twynam should be posted there.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the retention of Mr. Graham at the place was contrary to the public interest?

The Hon'ble Khwaja Sir NAZIMUDDIN: The posting of Mr. Twynam was in the public interest.

Mr. M. SHAMSUDDIN AHMED: Can the public want to know what is the public interest in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult to answer this question.

Mr. NIHARENDU DUTTA MAZUMDAR: What is the difficulty?

The Hon'ble Khwaja Sir NAZIMUDDIN: First of all I was not in charge at that time.

Mr. NAGENDRA NATH SEN: Is Mr. Graham still in Chittagong or has he been posted at Khulna as District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: He is at present on leave.

Mr. AHMED ABUL HOSAIN: Is the Hon'ble Minister aware that Mr. Graham used to visit some people of the Hari Sankirtan party and that that was the cause of his transfer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Order of prohibition of entry on Sj. Narendra Nath Das.

*347. **Mr. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state the reason why an order has been issued by the District Magistrate of Midnapore prohibiting the entry of Sj. Narendra Nath Das, Secretary of the Bengal Provincial Hindu Sabha, on the 6th July, 1936, under section XI of the Bengal Suppression of Terrorist Outrages Rules, 1934?

(*b*) Is it a fact that he used to visit the Midnapore district only for carrying on social reform movement for the last three or four years?

(*c*) Is it a fact that Sj. Narendra Nath Das has all along been preaching and practising non-violence and carrying on propaganda against acts of violence?

(*d*) Will the Hon'ble Minister be pleased to state whether any material to prove his connection with the terroristic movement has been found?

(*e*) Is it a fact that the movement for social reform and removal of untouchability are acts of terrorism?

(*f*) If the answer to clause (*e*) is in the negative, will the Hon'ble Minister be pleased to state why this ban has been imposed?

(*g*) Does the Hon'ble Minister consider it fair that Sj. Narendra Nath Das should have his house searched and himself arrested and detained for the whole day long at the Intelligence Branch Office at Lord Sinha Road, on no charge whatsoever?

(*h*) Is it a fact that he was repeatedly questioned about his tour in Midnapore district and asked if he should be carrying on further tour in that district?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*f*) As he was believed to have been engaged in terrorist activity and to have connections with terrorists in Midnapore, he was required to obtain the previous permission of the Superintendent of Police in writing before entering the district.

(*b*) He used to visit some known terrorists of the district.

(*c*) I presume that the officer who passed the order had other information about the gentleman's activities.

(*d*) Yes.

(*e*) No, but it can be used to provide a convenient cloak for other activities.

(*g*) It was considered necessary to search his house and examine him in the Intelligence Branch Office.

(*h*) Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased state on what information it was believed that this gentleman could have been engaged in terrorist activities?

The Hon'ble Khwaja Sir NAZIMUDDIN: There must have been sufficient information.

Dr. NALINAKSHA SANYAL: Was any facility given to the member concerned to disprove the evidence supposed to have been collected against him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether insinuations of this nature, viz., that he was believed to have been engaged, in the first part and to provide a convenient cloak in the second part, against an hon'ble member of this House is in the public interest?

Mr. SPEAKER: I find that when you ask for certain facts the answer is "no", but Government qualify it by saying something in the nature of a reflection. That portion, however, does not refer to the member concerned, as in the answer.

Dr. NALINAKSHA SANYAL: When a question asking for an expression of opinion is not admitted, an answer in the form of an opinion should also be expunged.

Mr. SPEAKER: I have no objection.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then, I submit, tl whole question should be expunged.

Mr. NARENDRA NATH DAS GUPTA: With reference to answe (*b*), who are the terrorists he used to visit?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NAGENDRA NATH SEN: Is the Hon'ble Minister awar that the Secretary of the Bengal Provincial Hindu Sabha is the sam person as the hon'ble member who has put this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. NISHITHA NATH KUNDU: Why was he not arrested on a substantive charge or detained if Government had enough materials t prove that he was connected with terrorism?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are materials against a large number of people but they are not all arrested.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any incriminating substance was found on searching the house?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if Government are prepared at the present moment to withdraw the order passed upon him?

The Hon'ble Khwaja Sir NAZIMUDDIN: Which order the hon'ble member is referring to?

Mr. BIRENDRA NATH MAZUMDAR: The order preventing him from going to Midnapore.

The Hon'ble Khwaja Sir NAZIMUDDIN: Which question is that?

Mr. BIRENDRA NATH MAZUMDAR: I am referring to the answer to questions (*a*) and (*f*).

Mr. SPEAKER: You ask whether Government consider the desirability of withdrawing this order?

Mr. BIRENDRA NATH MAZUMDAR: Yes, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: This is an order passed, I believe, by the District Magistrate, and the questions and answers will be forwarded to him for his information.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to question (*c*), which asks whether it is a fact that Srijut Narendra Nath Das has all along been preaching and practising non-violence and carrying on propaganda against acts of violence, the Hon'ble Minister has answered that he presumes that the officer who passed the order had other information about the gentleman's activities. Will the Hon'ble Minister be pleased to state whether it means that he admits that the facts stated in question (*c*) are correct, and if so, then on what basis does he presume that the officer in question has other facts in his possession?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, this is rather an argument.

Mr. SPEAKER: It is not an argument, but I am afraid the member could not put his question properly. Stripped of its wordiness his question is that he wants to know what is the basis of the presumption in answer (*c*).

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, he does not ask for that.

Mr. NIHARENDU DUTTA MAZUMDAR: That is exactly what I am asking for, and it has been perfectly understood by Mr. Speaker.

Mr. SPEAKER: However, will you please frame your question again?

Mr. NIHARENDU DUTTA MAZUMDAR: My question is this, Sir. Will the Hon'ble Minister be pleased to state what is the basis of the Hon'ble Minister's presumption that the officer who passed the order had other information about the gentleman's activities?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am glad, Sir, that the hon'ble member has at last put his question in an intelligent form.

Mr. NIHARENDU DUTTA MAZUMDAR: Make an intelligent answer then—if only for once.

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir. (Laughter.)

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister please state if he so presumed without having in his possession any facts whatsoever that warranted that presumption?

The Hon'ble Khwaja Sir NAZIMUDDIN: No; the answer is in the negative.

Mr. NIHARENDU DUTTA MAZUMDAR: But what are the facts?

(No reply.)

Rules under the Agricultural Debtors' Act.

*348. **Maulvi MUHAMMAD ISRAIL:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware of the rules under the Agricultural Debtors' Act to the following effect, namely:—

"that a Debt Settlement Board cannot issue notice under section 34 unless the application received be heard under section 12 (*b*) and even after that if the claim exceeds Rs. 1,000, the Debt Settlement Board cannot issue notice unless an enquiry is held by the Subdivisional Officer and his approval is received and that the approval of the Collector is necessary in case the notice is to be served on the Hon'ble High Court"?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether these rules have been promulgated in violation of section 34 of the Agricultural Debtors' Act?

(*c*) Is the Hon'ble Minister aware that enforcement of these rules will deprive the debtors of the benefit of the Act?

(*d*) Do the Government contemplate withdrawal of these rules?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) I am aware that an order to this effect was issued.

(*b*) and (*c*) No.

(*d*) The instructions have been revised so as to obviate delay and to facilitate issue of proper notices under section 34 of the Bengal Agricultural Debtors' Act.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state with regard to answer (*d*), when these revised instructions were issued?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, these are in the course of being issued.

Maulvi ABDUL-BARI: Will the Hon'ble Minister be pleased to state what are the contents of those revised instructions?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The portion directing an inquiry by the Subdivisional Officer is being deleted, and the boards are being reminded that they are to follow the instructions laid down in the Act and the Rules framed thereunder.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister please state whether Government consider the desirability of empowering these boards with special powers to investigate in order to obviate delay?

Mr. SPEAKER: This question hardly arises.

Maulvi MUHAMMAD ISRAIL: Is the Hon'ble Minister aware that under section 34 of the Agricultural Debtors' Act a board has to issue a notice without any inquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already answered that boards are being asked to follow the provisions of the Act before they issue notice under section 34.

Head Masters of Rangamati and Nawab Bahadur's High English Schools.

*349. **Mr. JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that Government are proposing to appoint highly paid officers to take the offices of the Head Masters of Rangamati and Nawab Bahadur's High English Schools on scales of Rs. 900 to Rs. 1,200 and Rs. 1,200 to Rs. 1,500?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): Yes, with regard to Rangamati High English School; but the rate of pay proposed to be given to the officer is Rs. 930 to Rs. 1,250.

With regard to Nawab Bahadur's Institution there is no proposal before Government for any appointment on special pay.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reasons for providing such an abnormally high scale of salary for this particular headmaster when in no other school of this province such a scale prevails?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The idea, Sir is to give technical training to the people of Rangamati who are very backward.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state where the Nawab Bahadur's High English School is situate?

Mr. SPEAKER: Order, order. That question does not arise. Everybody ought to know where the school is situate.

Mr. NAGENDRA NATH SEN: I submit, Sir, that this school is in the district of Murshidabad, and as such the reply ought to have come from the Hon'ble the Chief Minister and not from the Hon'ble the Revenue Minister.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please say if no candidate could be available on a lower scale of pay?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not think so.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state what is the nationality of the headmaster who is going to be appointed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Probably European.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please consider the desirability of appointing an Indian in his place?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No suitable Indian was available, and that is the reason why Government had to advertise the post and bring out an officer from Europe.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state the minimum qualifications required for this post?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Dr. NALINAKSHA SANYAL: May we know, Sir, what is the technical training proposed to be imparted in this institution?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Dr. NALINAKSHA SANYAL: Is it a fact that this special pay has been provided to permit of somebody with military knowledge being brought out as headmaster?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Muslims in district offices.

*350. **Mr. ASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether Government are considering the desirability of appointing an Inquiry Committee with one official and two non-official Muhammadans to enquire into the procedure and the grievances arising out of the paucity of the Mussalmans in regard to the upper division permanent appointments in district offices?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Attention is invited to the answer given to unstarred question No. 205 asked by the same member on the 20th September, 1937.

Superintendent of Milk Societies.

*351. **Mr. SHIB NATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that the Superintendent of Milk Societies has of late almost invariably accompanied the present Registrar of Co-operative Societies on tour?

(*b*) Are the Government satisfied that there was necessity in every such instance for the Superintendent to accompany the Registrar?

(*c*) Will the Hon'ble Minister be pleased to state on what public duty did the Superintendent of Milk Societies go to Darjeeling thrice in the course of a month recently?

(*d*) Will the Hon'ble Minister be pleased to lay on the table copies of diaries of the Superintendent of Milk Societies since his appointment?

(*e*) Is it not a fact that the appointment of the Superintendent of Milk Societies was sanctioned in order to promote the formation and development of milk societies and unions?

(*f*) Is it not a fact that except the Calcutta Milk Societies Union and its affiliated societies which had already established their position when the post of Superintendent of Co-operative Milk Societies was sanctioned there has been no further expansion in this direction and that the societies and unions since formed are either closed down or are in a morbid condition?

(*g*) Is the Hon'ble Minister considering the desirability of abolitio of the post of Superintendent of Milk Societies which is still a tempqrar one?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) No The Superintendent accompanied the Registrar only on three occasion out of 33 trips of the latter during the last twelve months.

(*b*) Yes.

(*c*) It is not correct that the Superintendent went to Darjeelin thrice in a month. He went on two occasions in the months of Ma and June last to confer with the Committee of Management of th Darjeeling Milk Union regarding urgent measures for its rehabilitation

(*d*) No. Diaries of public servants are confidential documents.

(*e*) Yes.

(*f*) Yes, on account of the general trade depression and the fall in the price of milk.

(*g*) No.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state when the Superintendent in question was appointed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Well, Sir, he has been in this post for a little over a year.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state whether a sum of Rs. 27,000 has been the profit of this union this year, and whether it is entirely due to the able management of the Superintendent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The profit of the union for the year 1936-37 has been Rs. 27,488, when this particular officer was in charge.

Dr. NALINAKSHA SANYAL: Is it a fact whether a retired Accountant-General, Mr. Mohini Mohan Ghatak, who was for some time Chairman of the Milk Union, reported against the administration of the Milk Union Society and particularly against the Superintendent concerned?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of it, Sir.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that in the year 1936, the profit of this society, prior to the appointment of this Superintendent, was only Rs. 130?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The profit was Rs. 117.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister please state if the Superintendent is a relation of the Registrar of Co-operative Societies?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state that following that report of the Chairman—the then Chairman Mr. Mohini Mohan Ghatak—the Superintendent so managed affairs that this Chairman was ousted in the following year?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of all these things, sir.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether it is fact that a number of contracts for the supply of milk to Government and public institutions has been secured by this Superintendent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is so, Sir.

Settlement of Nayanadi-Rathkhola fishery.

*352. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state in regard to the settlement of the fishery styled Nayanadi-Rathkhola bearing Tauzi No. 6933 of the Faridpur Collectorate, whether it is a fact—

(*i*) that on the 13th March, 1937, one Abdul Gani Majhi and another prayed by one application submitted before the Collector of Faridpur for getting notice of about the details of the settlement of the above fishery to be made for the year 1937-38;

(*ii*) that a notice was issued calling upon the intending bidders or settlement seekers to file petitions before the Khas Mahal Officer, Faridpur, by the 25th March, 1937, stating the amount of money which each set of bidders or settlement seekers would be ready to pay as revenue of the fishery;

(*iii*) that different groups of fishing communities and other persons submitted applications—some of whom made an offer of Rs. 3,000;

(*iv*) that Kobbatali Mai Bepari, Parsha Nath Malo and 14 othe were also amongst one of these groups of applicants wl were asked by the Khas Mahal Officer, Faridpur, wheth they would be agreeable to—

(1) pay the entire consideration money at once in advanc and

(2) give up the fishery in favour of the Fishermen's C operative Society with its head office at Chandpu (Tippera), when it becomes registered;

(*v*) that on the 3rd May, 1937, some of the applicants accepted th abovementioned conditions by formal petition submitte before the Khas Mahal Officer; but

(*vi*) that the Collector of Faridpur ordered on the 2nd June, 193 that the fishery be granted to the present lessee, Choudhur Jainuddin Ahmed, neither a fisherman by caste nor b profession, for a sum of Rs. 2,000 only?

(*b*) Is it a fact that according to rule 643, page 164, of the Benga Survey and Settlement Manual, 1935, the fishermen are entitled to a preference over others?

(*c*) If the answer to (*b*) is in the affirmative, do the Governmen contemplate the necessity of issuing definite instructions to the Collec tor of Faridpur to give effect to the said rule at the time of the next settlement of the said fishery?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) On the 27th February, 1937, Abdul Gani Majhi and three others submitted a petition for being given due notice of the auction sale of the fishery for 1937-38.

(*ii*) to (*v*) Yes.

(*vi*) Yes, as there was no *bona fide* fisherman candidate having resources sufficient to enable him to run this big and important fishery on proper lines.

(*b*) Yes.

(*c*) The Board of Revenue will be asked to look into this.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to his answer (*a*)(*vi*), what he means by "proper lines"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They mean, Sir, proper and business-like management.

Clerks in Dacca and Mymensingh district offices.

*353. **Mr. DHANANJOY ROY:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing separately for the offices of the Magistrate-Collectors, Dacca and Mymensingh,—

(*i*) the number of permanent and temporary clerks, belonging to the—

(*a*) Scheduled castes,

(*b*) Caste Hindus, and

(*c*) Muhammadans; and

(*ii*) the number of them that are natives of the districts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is placed on the table.

Statement referred to in the reply to starred question No. 353.

		Permanent.	Temporary.
	Mymensingh.		
(*i*)			
	(*a*) ..	4	5
	(*b*) ..	101	41
	(*c*) ..	73	41
(*ii*)			
	Scheduled castes ..	4	5
	Caste Hindus ..	66	24
	Muhammadans ..	65	41
	Dacca.		
(*i*)			
	(*a*) ..	8	5
	(*b*) ..	92	28
	(*c*) ..	72	14
(*ii*)			
	Scheduled castes ..	6	5
	Caste Hindus ..	77	24
	Muhammadans ..	60	13

Mr. MONMOHAN DAS: If candidates from the scheduled castes of the standard of qualification demanded for the appointment be available, will the Hon'ble Minister kindly consider their case as a special case?

Mr. SPEAKER: That is a hypothetical question.

Scheduled castes in Mymensingh criminal courts.

*354. **Mr. MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the total number of appointments made in the criminal courts of the Mymensingh district in the years 1936 and 1937; and

(*ii*) the number of appointments held by the caste Hindus, scheduled castes and Muhammadans specifically in the said district at present?

(*b*) Is the Hon'ble Minister considering it an immediate necessity to make up the deficiency in the services by giving special facility to the scheduled caste candidates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*)—

	Permanent.	Temporary.
(*i*) 1936 ...	8	5
1937 to August ...	15	48
(*ii*) Caste Hindus ...	101	41
Scheduled castes ...	4	5
Muhammadans ...	73	41

(*b*) No, as in this district suitable candidates from the scheduled castes are seldom found.

Mr. MONMOHAN DAS: If candidates from the scheduled castes in the district of Mymensingh of the standard of qualification as demanded be available, will the Hon'ble Minister kindly see that their cases are specially considered and they are provided with some appointments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I submit, Sir, this, too, is a hypothetical question, but I can answer the question in the affirmative.

Vending Excise Shops.

*355. **Mr. A. M. ABDUL HAMID:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state the number of excise shops (district by district) in the Province including those in Calcutta?

(*b*) How many of them are run by Musalmans and how many by members of scheduled castes (district by district) and the percentage of each in each district including Calcutta?

(*c*) If the percentage of both Musalmans and scheduled castes is far elow that of their respective population strength, what is it due to?

(*d*) Is it due to dearth of candidates from these two communities?

(*e*) If not, what the Government propose to do bring the percentage) the population strength?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT the Hon'ble Mr. Prasanna Deb Raikat): (*a*) and (*b*) A statement is iid on the Library table.

(*c*), (*d*) and (*e*) where the percentage happens to be low, it arose om dearth of suitable candidates at the time of settlement of the ops. There is no discrimination either in favour of or against any rticular community in granting licenses.

Mr. A. M. ABDUL HAMID: In view of the low percentage of ussalman vendors, will the Hon'ble Minister be pleased to consider ie question of granting them better facilities?

The Hon'ble Mr. PRASANNA DEB RAIKAT: It depends on the ualifications, Sir.

Mr. A. M. ABDUL HAMID: Is there any dearth of Mussalman ndidates now?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I do not know, ir.

Reserved posts.

*356. **Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister i charge of the Home (Appointment) Department be pleased to lay on ie table a statement showing:—

(*i*)number of reserved posts in this province as per section 246(*1*) of the Government of India Act, 1935, as also those contemplated under section 259(*1*) and section 305(*2*) of the Act;

(*ii*) nature or character of thees posts under each department separately;

(*iii*) the total amount of money charged on the revenues of the province on account of each of the above posts in the current year;

(*iv*) which of these posts, if any, were at any time during the last ten years held by officers other than those specially provided for in the new Act; and

(*v*) which of these posts are newly created either after or in connection with the introduction of the reformed constitution?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) and (*ii*), (*iv*) and (*v*) The rules contemplated by section 246(*1*) have not yet been issued and in the meantime the position remains as before the commencement of Part III of the Act so far as reservation of posts is concerned.

(*iii*) the member is referred to the particulars of charged expenditure given in the Budget Estimate.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the number of Civil Servants that have to be maintained out of the revenues of this province has been increased since the inauguration of the new Reforms?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the number of I. M. S. officers has been increased during the period the new Reforms have been inaugurated.

The Hon'ble Khwaja Sir NAZIMUDDIN: This question relates to a department which is not under my special cognizance, and so I am unable to answer it.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. My question specifically deals with the number of reserved posts in this province as per section 246 (*1*) of the Government of India Act, 1935, where there is a provision for certain classes of reserved posts. I understand and I know very well that these posts are not under the departments of the Hon'ble the Home Minister, but my question is about the number that has been allotted to this province, and I suppose that that is entirely within his province.

Mr. SPEAKER: It is a matter for the Medical Department, and that is why the Hon'ble the Home Minister expresses his inability to answer this question.

Dr. NALINAKSHA SANYAL: They are merely to see what the Medical Department requires.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, no, I know nothing about what number of I. M. S. officers are allotted to this province.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the number of I. M. S. officers under the Inspector-General of Prisons has been increased after 1st January 1937?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I do not think so.

Wakf estates in Mymensingh.

*357. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the number of wakf estates in the district of Mymensingh;

(*ii*) the annual expenditure incurred for the maintenance of the Board of Wakfs (salaries of the staff, etc., and the establishment costs to be shown separately year by year);

(*iii*) whether all the provisions of the Bengal Wakf Act, 1934, have been enforced with regard to the following wakf estates in the Tangail subdivision—

(1) Wajed Ali Wakf Estate,

(2) Md. Haidar Ali Wakf Estate,

(3) Delduar Wakf Estate,

(4) Dhanbari Nawab Wakf Estate, and

(5) Pakulla Wakf Estate?

(*b*) If the reply to (*a*) (*iii*) is in the affirmative—

(*i*) what steps have been taken by the Board of Wakfs for the proper administration of those wakf estates; and

(*ii*) whether any steps have been taken by the Board for ensuring the proper application of the income of the said wakf estates to the objects for which these wakfs were created?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) By courtesy of the Commissioner of Wakfs, I am in a position to reply to this question.

(*i*) 187.

(*ii*) The Wakf Act came into force in March 1936. The expenditure for 1936-37, is as follows:—

	Rs.	a.	p.
Establishment	40,178	2	9
Law charges	2,257	6	0
Travelling allowance of officers ..	508	8	6
Travelling allowance of members ..	587	2	0
Contingencies	8,977	0	9
Total ..	52,508	4	0

(*vii*) Yes.

(*b*) (*i*) and (*ii*) The Board of Wakfs is taking suitable action under the Act in all cases of mis-management and mal-administrations brough to light.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister b pleased to state that Delduar Wakf estate and some of the othe Wakf estates are mainly conducted simply by non-Muslim nayabs?

Mr. SPEAKER: That question does not arise.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware tha some mutwalis who fought in the last election spent lavishly a random without giving any account of their respective wakf fund?

Mr. SPEAKER: So far as the administration of the Wakf is concerned that is not a matter within the cognizance of the House in view of the fact that Wakf Department is a separate body which deals with the detailed administration of the Wakf Estates. You can put question on the general administration of the department.

Khan Bahadur MOHAMMED ALI: How many of these are public wakfs?

Mr. SPEAKER: That question has been answered.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state who is the matawali of the Dhanbari Nawab Wakf Estate and its annual income?

Mr. SPEAKER: As I have explained above Government are responsible for the general policy of the wakf estates and you can put questions about. But detailed administration of the wakf estates does not come in.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state if any amount is spent for religious charity and for the benefit of the people?

Mr. SPEAKER: I am sorry the House will stultify itself if it has to answer questions relating to public bodies. You cannot put such questions.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether the income meant for public utility and religious purposes is actually spent?

Mr SPEAKER: That question hardly arises, because it is outside the scope of the question now before the House.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether all the 187 wakf estates are enrolled or whether there are other wakfs besides these?

The Hon'ble Mr. A. K. FAZLUL HUQ: All these estates are enrolled. Those which are not enrolled we have no information.

Realisation of exemption fees from defaulting estates at Noakhali.

*358. **Maulvi SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state on what principle exemption fees are realised from defaulting estates in revenue sales held under the Noakhali Collectorate?

(*b*) Is it a fact that the proportion of fines varies in different cases in this district?

(*c*) Is it a fact that fines exceeding even 25 per cent of the arrears in some csases were levied exemption fees by the present Collector of Noakhali in the revenue sale held in June last, such as lot Nos. 21, 44, 191, 204, 210 and many others?

(*d*) Is it a fact that about 25 per cent of the estates which had been put up for sale in the Revenue sale held in June last were away as defaulting proprietors were unable to pay the fines imposed upon them?

(*e*) Is it a fact that the Hon'ble Member in charge of the Department in reply to a question put to him during the 42nd session of the Bengal Legislative Council held between 24th August to the 8th September, 1933 (Volume 42, No. 3, page 39) stated that the exemption fee ordinarily not exceeding 2 per cent. of the arrears was being realised though the Collectors had discretion to impose fine up to 25 per cent. of the arrears?

(*f*) Is it a fact that many raiyati holding under khas mahal were put up to revenue sale by the Collector of Noakhali in the revenue sale held in June last in contravention of the provision of the Act VII of 1868?

(*g*) Is the Hon'ble Minister aware that there exists a feeling of discontent and hardship over the realisation of every heavy fines as exemption fees from the defaulting proprietors at Noakhali?

(*h*) Are the Government considering the desirability of revising the rules and fixing a maximum of fine not exceeding 5 per cent of the arrears?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Exemption fee from defaulting estates in revenue sales are assessed on the principle laid down in note 10 under section 18 of the Bengal Land Revene Sales Act, Act XI of 1859.

(*b*) Yes. The proportion of exemption fees varies in different cases according to the number of previous defaults made by the proprietors and other circumstances. A good deal of discretion is allowed to the Collector in this matter.

(*c*) Where the defaults are very small, the fine may exceed 25 per cent. of the arrears in certain cases.

(*d*) No.

(*e*) What he said was—

"Ordinarily the fee should not exceed 25 per cent. of the arrears, but for the present an amount ordinarily not exceeding 2 per cent. is charged."

(*f*) No. Only 11 tenancies recorded in the Settlement records as raiyats were sold under Act VII of 1868. These were actually tenures as defined in that Act and had rentals of over Rs. 50 in each case.

(*g*) No.

(*h*) No. but they will endeavour to ensure that the rules are not administered too harshly.

Board of Wakfs Employees.

*359. **Khan Sahib MAULANA AHMED ALI ENAYETPURI:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the following particulars:—

(*i*) total number of employees under the Board of Wakfs;
(*ii*) grades of their services;
(*iii*) their districts of domicile; and
(*iv*) dates of their appointments?

The Hon'ble Mr. A. K. FAZLUL HUQ: By courtesy of the Commissioner of Wakfs, I am in a position to reply to this question.

(*i*) 43.

(*ii*)

Officers	... 2
Assistants (salaried)	... 22
Copyists (non-salaried)	... 1
Temporary assistants	... 4
Menials	
Orderly peons and peons	... 10
Daitry	... 1
Process peons	... 2
Durwan	... 1
Total	.. 43

(*iii*) and (*iv*) A statement is laid on the library table.

Baherak Satyasram at Dacca.

*360. **Mr BIRENDRA NATH MAZUMDAR:** Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether—

(*a*) There was an institution known as Baherak Satyasram at Dacca?

(*b*) it was a Congress organisation under the Dacca District Congress Committee?

(*c*) It was put under a ban during the last Civil Disobedience Movement.

(*d*) The ban on the said Baherak Satyasramhas bet been lifted?

(*e*) The Police took possession of Asram premises with all the houses standing thereon, and the things and articles of use found therein?

(*f*) There were six houses of corrugated-iron standing thereon, if not, how many houses, of what description were there?

(*g*) All the houses thereon were subsequently sold by the Police?

(*h*) If the reply to clause (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) to whom was it sold;

(*ii*) at what price was it sold;

(*iii*) whether the price was adequate;

(*iv*) whether they were sold at public auction;

(*v*) how many bidders were there, if they were sold at public auction;

(*vi*) under whose orders were they sold;

(*vii*) under the provisions in which they were sold; and

(*viii*) what became of the money obtained by the sale?

(*i*) If the reply to clause (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether—

(*1*) there was any search list prepared of the things, articles and the houses found and taken possession of by the Police;

(*2*) what happened to the things and article of use found therein; and

(3) under whose occupation are the land and premises of the Baherak Satyasram at present?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) The ban has not been removed.

(*e*) The Police took possession of the Asram premises with houses standing thereon. The houses are reported to have been empty.

(*f*) There were wour structures—two with tiled roofs, one with a roof of corrugated-iron and another with a thatched roof.

(*g*) Yes.

(*h*) and (*i*) The bid sheet is not now available.

(*ii*) The materials were sold for Rs. 198-10.

(*iii*) This asks for an expression of opinion.

(*iv*) The materials were sold at public auction.

(*v*) As no bid sheet is available, it cannot be said how many bidders were present.

(*vi*) The District Magistrate.

(*vii*) and (*viii*) and (*i*) (*1*) and (*2*) The first report of the District Magistrate has necessitated a further reference to him and as his reply cannot be received during the present session, the information, when obtained, will be communicated to the member.

(*i*) (*3*) The land is in the possession of Government.

Mr. NISHITHA NATH KUNDU: Is it a fact that bid sheets are reserved for 12 years, and if so, will the Hon'ble Minister be pleased to state why the bid sheets are not available?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the Government are considering the desirability of returning the land and premises of the Baherak Satyasram to the gentleman to whom it belonged?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the lands are still in possession of Government, then in pursuance of their general policy this will be taken into consideration.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that house is an immoveable property?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state under what law immoveable property is sold?

The Hon'ble Khwaja Sir NAZIMUDDIN: Only moveable property was sold.

Mr. DHIRENDRA NATH DATTA: Can a thatched hut be sold?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the report of the District Magistrate which has necessitated a further reference to him in connection with answers (*vii*), (*viii*) and (*i*) (*1*) and (*2*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Apprentices in the office of the Administrator-General and Official Trustee of Bengal.

*361. **Mr. ADWAITA KUMAR MAJI:** (*a*) Is the Hon'ble Minister in charge of Judicial and Legislative Department aware that some persons, recruited by competive examination as an apprentice in the office of the Administrator-General and Official Trustee of Bengal are serviig without any fixed remuneration or with nominal remuneration for about three years?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the number of those unpaid apprentices;

(*ii*) how many years will it take to absorb this number;

(*iii*) whether they are paid annually or half-yearly; and

(*iv*) what is the average amount each gets per month?

(*c*) Is there any other office under the Government of Bengal where there is a system of taking such unpaid apprentices and of taking service without any fixed allowance?

(*d*) Is there "Leave Reserve" system in the said office like other offices of the Government?

(*e*) Is it a fact—

(*i*) that they have to attend office daily and work regularly like other permanent hands of the office subject to the same Fundamental Rules; but

(*ii*) that the whole period of their services are not counted after their confirmation?

(*f*) Is the Hon'ble Minister considering it desirable—

(*i*) to abolish the present crude system; and

(*ii*) to arrange for certain fixed allowance to be paid to them monthly?.

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) Recruitment to permanent clerical staff of the establishment of the Administrator-General and Official Trustee, Bengal, is made by selection from unpaid apprentices who sit for examination to be admitted as such. These men get no pay and work voluntarily for their training. They are permitted to work in leave vacancies and whilst so acting draw officiating pay at Rs. 40 per mensem.

The period of their employment as unpaid apprentices is generally less than three years but the actual length of time is dependent on vacancies which ordinarily occur on deaths or retirements of permanent men.

(*b*) (*i*) The number now employed is ten.

(*ii*) It is impossible to say as vacancies are dependent on deaths and retirements.

(*iii*) They draw their officiating pay periodically as and when the necessary bills for officiating pay are submitted to and passed by the Accountant-General, Bengal.

(*iv*) The average individual monthly officiating pay worked out in terms of man-months during the calendar year 1936 came to Rs. 13-8-8. This amount would vary in the same proportion as leave vacancies occur which also vary from month to month.

(*c*) I am not aware of any.

(*d*) No.

(*e*) (*i*) Yes. They are not subject to the Fundamental Rules. They are granted casual leave and extraordinary leave without allowance when necessary.

(*ii*) The period of their service as unpaid apprentices count after their confirmation towards increment of pay but not towards pension.

(*f*) (*i*) and (*ii*) I propose to examine the question.

Muslim appointments.

***362. Mr. ASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state whether Government contemplates a revision of their orders relating to the percentage of appointments of Muhammadans in the Rajshahi,

Dacca and Chittagong Divisions in the Upper and Lower Division Clerical Service fixing the ratio of each district on population basis and restricting the appointments to the domiciled candidates of the district concerned?.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, but Government are willing to consider any representation which gives reasonable grounds for considering that existing orders are unfair.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state what is the percentage of Moslems in the Divisions of Rajshahi, Chittagong and Dacca?

The Hon'ble Khwaja Sir NAZIMUDDIN: I asked for notice.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Managing Committee of the Domar Government-aided High English School, Rangpur.

303. Mr. JATINDRA NATH CHAKRABARTY: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that in a meeting of the parents and guardians for electing representatives in the Managing Committee of the Domar Government-aided High English School, district Rangpur, Babu Karuna Kanta Saha has been elected a member?

(*b*) Is it a fact that the District Magistrate of Rangpur has asked the Secretary of the Domar High English School to remove Babu Karuna Kanta Saha from the Committee and to co-opt another person in his place?

(*c*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state on what grounds the elected member, Babu Karuna Kanta Saha, may be removed?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The District Magistrate, Rangpur, did not approve of the election of Babu Karuna Kanta Saha as a member of the Domar High English School and asked the Secretary to select another member in Karuna Babu's place.

(*c*) Babu Karuna Kanta Saha has been removed on public grounds.

Rai HARENDRA NATH CHAUDHURI: With reference answer (*b*), will the Hon'ble Minister be pleased to state under whi law or rule the District Magistrate approves or disapproves of t election of the members of the Managing Committee?

The Hon'ble Mr. A. K. FAZLUL HUQ: Departmental ru empower the District Magistrate to do so.

Paucity of Muslims in the Communication and Works Departme

304. Khan Sahib Maulvi S. ABDUR RAUF: (*a*) Is the Hon'l Minister in charge of the Communication and Works Departme aware—

(*i*) of the paucity of Muslims in the Communication and Wo (Communication and Building) Department; and

(*ii*) that there is already a circular that practical training shou be given to Muslims in the department for appointment trained Muslims to suitable posts?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'l Minister be pleased to state—

(*i*) what steps have been taken to give effect to that circular;

(*ii*) how many Muslim apprentices have been or are being train up in the department; and

(*iii*) how many of them have been given appointments?

(*c*) Is the Hon'ble Minister aware that there is a circular to t effect that so long as the percentage of Muslims in his departme does not come up to the mark, no men of other communities shou be taken in?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'b Minister be pleased to state—

(*i*) what is the present number of Muslim officers (excludin menials and *mistries*) in his department; and

(*ii*) what is their present percentage?

(*e*) Is the Hon'ble Minister aware that in the Western (Electrical Division 3 Muhammadans who were successively taken in as esti mators have been dismissed by the Superintending Engineer one afte another?

(*f*) If the answer to (*e*) is in the affirmative, what are the ground of the dismissal?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) Yes. The chief reason is the dearth of Moslems possessing necessary technical qualifications. The percentage of Moslems in the various services is, however, gradually increasing.

(*ii*) Yes, in regard to posts in the Electrical Circle.

(*b*) (*i*) Moslem candidates are taken in as apprentices in the Electrical Circle.

(*ii*) Eight during the last 2 years.

(*iii*) Six left within a short time; the remaining two are still under training.

(*c*) No.

(*d*) A statement is laid on the table.

(*e*) and (*f*) The Superintending Engineer did not dismiss any of them; the orders of discharge were passed by two different Executive Engineers. The first and the third appointees were discharged for inefficiency, while the second one had to be discharged on medical grounds. The post was ultimately filled up by a Muhammadan.

Statement referred to in the answer to clause (d) of unstarred question No. 304.

	Bengal Engineering Service—Assistant Engineers, including Electrical.	Subordinate Engineering Service—Upper Subordinates, Overseers and Lower Subordinates including Electrical.	Clerical establishment.	Work-charged staff (excluding menials and mistries.)
(*i*) Total number of Moslem officers.	5	30	150	28
(*ii*) Percentage ..	12	23	30	12

Parcel clerk of Eastern Bengal Railway, Ranaghat station.

305. Mr. J. N. GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state if it is a fact that the parcel clerk of Eastern Bengal Railway, Ranaghat station,

has made a petition to the District Magistrate, Nadia, and to the Commissioner, Presidency Division, against the Subdivisional Magistrate, Ranaghat, for abusing and insulting the parcel clerk and goods clerk on the 2nd June, 1937?

(*b*) If so, will the Government be pleased to state what step has been taken by both the Commissioner and the District Magistrate in the matter?

(*c*) Will the Hon'ble Minister be pleased to state if it is a fact that the Subdivisional Magistrate, Ranaghat, put the nephew of the goods clerk of Ranaghat station of Eastern Bengal Railway in the lock-up of the Government Railway Police thana, Ranaghat, on the 2nd June, 1937?

(*d*) If so, why?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) At a conference held at Ranaghat on the 14th July, 1937, at which the District Magistrate of Nadia, the Subdivisional Officer of Ranaghat and the District Traffic Superintendent, Calcutta, Eastern Bengal Railway, were present, it was unanimously decided that the affair should be considered as closed to the satisfaction of all parties concerned.

(*c*) No. The goods clerk's nephew was not confined in the lock-up of the Railway Police.

(*d*) Does not arise.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state with reference to answer (*c*) whether it is a fact that the Subdivisional Magistrate of Ranaghat tendered apology?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, it is not correct.

Grant-in-aid Rules.

306. Maulvi ABDUL BARI: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that grant-in-aid rules require the madrasahs to maintain a higher scale of expenditure and a higher rate of fees?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to make an enquiry into these matters to remove the grievances by changing the subsisting rules?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Regarding scale of expenditure: No, except in the case of junior madrasahs where the

prescribed scale is, however, not enforced in view of the inadequacy of the grant-in-aid allotment. The comparative scales are as follows:—

Minimum.

	Rs.
High school	540
Middle English school	150
High madrasah	460
Junior madrasah	205

Regarding rates of fees—No.

The comparative rates are shown below:—

Class.	High school (aided).	Middle English school (aided).	High madrasah (aided.)	Junior madrasah (aided).
	Rs. a.	Rs. a.	Rs. a.	Rs. a.
X ..	3 0	..	3 0	..
IX ..	3 0	..	3 0	..
VIII ..	2 8	..	2 8	..
VII ..	2 8	..	2 8	..
VI ..	2 0	2 0	2 0	1 8
V ..	2 0	1 12	2 0	1 4
IV ..	1 8	1 8	1 8	1 0
III ..	1 8	1 0	1 8	0 12
II ..	..	0 12	..	0 8
I (*a*) ..	..	0 8	..	0 6
(*b*) ..	..	0 8	..	0 4

(*b*) Does not arise.

Number of ordinary Debt Settlement Boards in Mymensingh.

307. Maulvi MUHAMMAD ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of Ordinary Debt Settlement Boards established in the district of Mymensingh up till now;

(*ii*) how many of them have been invested with powers under sections 9(2), 13(2) and 19(1)(*b*);

(*iii*) if the answer to question (*ii*) be in the negative, will the Government please state the reasons therefor;

(*iv*) how many applications from the members of the village co-operative societies have been received by these boards up till now;

(*v*) how many of those applications have been forwarded to the department for the approval of the prescribed authority; and

(*vi*) in how many of these cases approval has been accorded and in how many cases approval withheld?

(*b*) Is the Hon'ble Minister aware that court-fees at the rate of 2 per cent. on the amount determined under section 18(*2*) to be paid equally by the debtors and the creditors under the rules are in practice being realised from the debtors alone?

(*c*) If so, do the Government contemplate to check this practice in future?

(*d*) Is the Government aware that the Collector of Mymensingh has issued an instruction enjoining upon the cash payment of the first instalment in addition to the payment of the full quota of the court-fees under the rules?

(*e*) Is the Government aware that this instruction is working very hard upon the debtors?

(*f*) If so, do the Government intend to take any steps for removing the hardship caused?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) 436.

(*ii*) None.

(*iii*) No recommendations have been received from the local authorities.

(*iv*) to (*vi*) The information desired by the hon'ble member is not available and cannot be obtained without an undue expenditure of time, labour and money which Government regret they are unable to undertake.

(*b*) It is not a fact that fees are realised from debtors alone.

(*c*) Does not arise.

(*d*) The Collector with my approval has advised that with a view to encouraging creditors to come to reasonable terms an initial lump payment should where possible be arranged to prove the *bona fides* of the debtor. No compulsion is used to enforce any agreement to such lump payment.

(*e*) and (*f*) Do not arise.

Government contributions to the Calcutta University from 1921 to 1937.

308. Maulvi MUHAMMAD ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the contributions made from the Provincial revenues to the Calcutta University from 1921 to 1937, year by year?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of professors, lecturers, assistant lecturers and demonstrators, part-time and whole-time, and the number of Muslims in all these posts; and

(*ii*) the total number of employees of the University in the clerical staff and the number of Muslims therein?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement is placed on the Library table.

(*b*) A statement is placed on the table.

Statement referred to in the answer to clause (b) of unstarred question No. 308.

	Total Number.	Muslim.
(1) *Post-graduate Department*—		
(1) Professors	23—1 (Honorary)	2
(2) Lecturers	92	6
(3) Honorary Lecturers ..	25	2
(4) Part-time Lecturers ..	61	3
(5) Assistant Lecturers	*27—1 (Honorary)	..
(2) *Law College*—		
(1) Whole-time Professor	1 (Principal)	..
(2) Part-time Professors	30	2
(3) *Office*—		
(1) Officers	7	..
(2) Assistants	180	2

* Including Undergraduate Instructors.

Average annual cost per student in each Government college.

309. Dr. H. C. MOOKHERJI: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the average annual cost per student in each Government college; and

(*ii*) the average annual cost per student in each Government high school?

The Hon'ble Mr. A. K. FAZLUL HUQ: Statements are laid on the Library table.

Annual breaches in the embankment of the river Gumti in Tippera district.

310. Mr. MAQBUL HOSAIN: (*a*) Is the Hon'be Minister in charge of the Communication and Works (Irrigation) Department aware of the untold miseries and severe losses of the people living on the right side bank of the river Gumti in the district of Tippera, on account of annual breaches in the embankment of the said river during the rainy season?

(*b*) Will the Hon'ble Minister consider it desirable to engage an expert to examine the past history of the breaches and to devise means for future protection?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Breaches occur almost annually and some damage is caused to crops.

(*b*) The matter has already been examined by the experts of Government and the construction of an escape on the Gumti bank with the object of disposing of a portion of the flood and giving some relief to the affected area, is under consideration.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state with reference to answer (*b*) when matter was examined by an expert of Government?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am afraid I cannot give the exact date.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state the approximate time?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am afraid I cannot do so either.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how long the construction of an escape is under consideration?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not know when the scheme was originally started, but I find that the department is now making enquiries into the matter.

Suits for the enhancement of rent in different courts of the Sadar subdivision of Bakarganj after 1st January, 1937.

311. Mr. JOGENDRA NATH MANDAL: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing—

(*i*) the number of suits for enhancement of rent instituted in different courts of the Sadar subdivision of Bakarganj district after the first day of January, 1937.

(*ii*) the number of cases in which enhancement has been granted;

(*iii*) the number of cases in which enhancement has not been granted; and

(*iv*) the number of suits that are still pending?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*i*) 150.

(*ii*) 19.

(*iii*) 65.

(*iv*) 66.

Mr. JOGENDRA NATH MANDAL: With reference to answer (*ii*), will the Hon'ble Minister be pleased to state what are the grounds for enhancement of rate in 19 cases?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It is not a matter for me to reply.

Mr. JOGENDRA NATH MANDAL: Will the Hon'ble Minister be pleased to state what are the minimum and maximum rates of enhancement that have been granted in those cases?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That does not govern the question.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minster be pleased to state if Government is going to stop this enhancement?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That does not concern my department.

Names and numbers of the unlawful Congress organisations.

312. Mr. DHIRENDRA NATH DATTA: (*a*) Will the Hon'b Minister in-charge of the Home (Political) Department be pleased t state the number and names of Congress organisations—primary, sul divisional or district—which are still unlawful?

(*b*) Will the Hon'ble Minister be pleased to state if there are sti any other unlawful organisations than the Congress?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'b Minister be pleased to name those organisations?

(*d*) Will the Hon'ble Minister be pleased to state the reasons fc keeping them unlawful after the Civil Disobedience Movement has bee called off?

(*e*) Is the Hon'ble Minister considering the desirability of orderin an immediate withdrawal of the ban upon these organisations?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) A statemen is placed on the Library table.

(*d*) The associations were kept under the ban after the Civil Dis obedience Movement ceased because their continued activities wer prejudicial to public interests.

(*e*) The policy of Government in this, as in other matters, is on of progressive amelioration, and removal of the ban will be considere in due course.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister b pleased to state what are the continued activities with respect t Abhoy Ashram which was prejudicial to the public insterest?

The Hon'ble Khwaja Sir NAZIMUDDIN: This refers to incidence that happened long before. This Government is not responsible for it.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the Comilla Abhoy Ashram is under any ban at the present moment?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. SIBNATH BANERJEE: Is not the present Government responsible for the continuation of the order?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, the continuation of the order of the previous Government is a matter which is under consideration.

Dr. Suresh Chandra Bose.

313. Mr. MANORANJAN BANNERJEE: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) that on the 9th March, 1933, Dr. Suresh Chandra Bose was arrested by Nawabgang police under section 109, Criminal Procedure Code;

(*ii*) that subsequently the case against him under section 109, Criminal Procedure Code, was withdrawn and he was prosecuted under section 17(*1*), Criminal Law Amendment Act (XIV of 1908), and was acquitted on appeal by the Sessions Judge; and

(*iii*) that medicines, medical instruments and books belonging to Dr. Suresh Chandra Bose were seized by the police on the 10th March, 1933, from the house of Mr. Upendra Chandra Das of Kalakopa and sold away by the Government?

(*b*) Will the Hon'ble Minister be pleased to state for what reasons and under what law the abovementioned medicines, instruments, etc., were seized from a private house and sold?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*b*) In connection with the case against Dr. Bose, medicines and books, etc., believed to be the property of the Samsabad Abhoy Asram, which was declared an unlawful association, were seized by the police on the 10th March, 1933, from the house of one Upendra Chandra Saha of Rajarampur (Kalakopa) to which they had been surreptitiously removed. The medicines were sold by Government. I understand that Dr. Suresh Chandra Bose was the custodian of the property of the unlawful association.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the Abhoy Ashram is purely an educational institution?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what connection has Dr. Bose had with the educational institution?

The Hon'ble Khwaja Sir NAZIMUDDIN: The properties belonged to the Ashram and they were taken away by the doctor and kept hidden in a certain place.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the medicines and books belonged to the doctor or to the Ashram?

The Hon'ble Khwaja Sir NAZIMUDDIN: The medicines and books were properties of the Ashram which was declared an unlawful association.

Adjournment motion.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, I ask for your leave to move an adjournment motion.

Mr. SPEAKER: I might say that I received notice of this, as you know, just only five minutes before the House sat and it was not possible for me within that time to get authentic information because your report was based on newspaper information and before I give my consent I must have authentic information on the subject.

Dr. NALINAKSHA SANYAL: May I enquire if your decision is to be given on your having been satisfied as to the authenticity of the particular report?

Mr. SPEAKER: I will have to be satisfied regarding the allegations made in the adjournment motion. If the House continues, I will consider whether I will give my consent.

GOVERNMENT BILL.

Bengal Tenancy (Amendment) Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill, as settled in the Assembly, be passed. I reserve my comments on this motion which I propose to make after the other members have spoken.

Dr. NALINAKSHA SANYAL: Sir, we would like to know the financial implication of the passing of this Bill. The Government of India Act says that if there is any financial expenditure involved upon the revenues of the province, certain special procedures have got to be followed. The Hon'ble Finance Minister is away from the House and I do not know if he has taken your leave. In his absence, will any Hon'ble Minister explain to us what the financial implications are?

Mr. SPEAKER: You assume financial implications but Government do not do so.

Dr. NALINAKSHA SANYAL: But the revenues of the province will be affected.

Mr. SPEAKER: You will get your answer later on.

I think it will be convenient if I now adjourn for prayer. I think it will meet the wishes of all sections of the House if I announce that I do not want to sit late this evening, and I propose, if possible, other things remaining the same, to bring this debate to a close at 7 o'clock.

At this stage the House was adjourned for 20 minutes.

After adjournment.

Mr. JATINDRA NATH BASU: Mr. Speaker, Sir, from the discussions that have taken place in this House during the past few days it is clear that there is a strong desire on the part of the members of this House to raise the economic condition of the people of this province. Sir, that is a desire which animates the people and the legislators. But before measures are adopted it is usual to make a careful investigation of the circumstances in which the people of the country are placed to find out as to where the disease lies and then to devise means to cure the disease.

In the present case there has been no proper investigation made in which persons representing different interests have had an opportunity to place their views for consideration. Sir, it has been stated that the question of relationship between the landlord and the tenants in Bengal is an age-old question and that no special enquiry is necessary. With the change and progress of time it has from time to time been found necessary to alter the land laws of Bengal. But whenever there has been any alteration, that alteration has been preceded by a very careful enquiry, so that the economic interests of the province as a whole do not suffer and that no particular class is placed in a position of undue difficulty. Sir, it has been stated that there has been rack-renting, that the tenant is unable to pay the rent that he has in the ordinary course to pay to the landlord. There has been no proper enquiry in the presence of the representatives of the tenants or in the presence of those who receive rents from the tenants, to ascertain what the income of the tenant is and what is his capacity to pay rent. The Hon'ble Revenue Minister in the course of his remarks addressed from time to time to this House during the debate on this Bill has stated that the tenant has to pay one-tenth of his income. If that is so, it is a

material question to be considered. If the tenants wanted relief, it was for him to show as the result of a proper enquiry in which all parties interested should be represented that he has to pay an undue proportion of his income as rent. There has been no such enquiry. The discussion of this Bill has been pushed through, as has been pointed out by many members of this House, with a great amount of hurry. Sir, the hurry has been such that we have had the unique spectacle of the provisions of the Bill as originally drafted by Government, suddenly undergoing important changes which have varied the character of the legislation, on at least four occasions. In addition to the changes so effected by Government in the course of consideration of the measure before the House, the members of this House have brought in a large number of amendments which have also altered the character of the measure to a great extent. Sir, as I have pointed out, the economic uplift of the province is the object of all of us. We want that our people, cultivators and small holders, should be in a position of economic strength and stability, and we have to adopt the right means to attain that end. We have introduced provisions which will give the raiyat unrestricted facilities of alienating holdings; there is practically no restraint left on him. The result will be, what we can easily contemplate, that he is likely to come into the hands of money-lenders and persons who can buy him up and he will gradually tend to disappear. Sir, taking the figures of the Census of 1921 and 1931 we find that while the number of landless agricultural labourers in this province in 1921 was 18 lakhs only, in 1931 the number of landless labourers rose to 27 lakhs. We want the labouring population of our province to prosper, and this is a situation which we cannot but look upon with disquietude. Sir, I may also call your attention to some other figures. The tenants who cultivated their lands were 92 lakhs in 1921 and only 60 lakhs in 1931. I am told that in this last mentioned figure there may be some difference, inasmuch as there was a different system of classification in 1931 from what it was in 1921, but as regard the growth in the number of landless agricultural labourers there is no doubt. Neither the Government nor the members who have supported this matter have cast a thought of making any detailed enquiry as to why this state of things has happened. Sir, I regret the manner in which this Bill was discussed. You are laying the foundation or rather seeking to lay the foundation for a stable peasantry for your province. You cannot lose your mental balance while doing so. If you do so, you do not do the thing that you wanted to do. It requires calm consideration and judgment and it does not matter if some time is taken for such consideration. Other countries have adopted a five year's or a ten year's plan. They gave their closest attention to the possibilities and circumstances of their countries and then adopted the measures, best suited for the economic uplift of the people. Nothing of the kind has been done here. We have groped almost in the dark and we do not know where we have landed ourselves.

Sir, then as regards the specific provisions of the enactment, I submit that, whether it was right or whether it was wrong, for two centuries it has been admitted that the rights of a certain section of the people who have been called the superior landlords have existed; it may be that such kind of right should not have grown, but the fact that we have to face is that there were these rights. Those rights were recognised and confirmed in 1793. Sir, whether there is recognition of those rights or not, the fact is that a certain section of the people have been placed in the position of revenue-payers to Government; and they have to pay whether there was drought or whether there were floods or whether there were crops or no crops. The payments of revenue by fixed instalments were made compulsory. Let us consider for one moment whether it has done to the province any good or not. Sir, we have other provinces in India in which this system does not prevail, but those that have studied the economic condition of the peasantry of those provinces know very well that the condition of the peasantry there is certainly not better and probably much worse than the condition of the peasantry in Bengal. We have famines in India but we in Bengal we have had very few of those devastating famines they had elsewhere in India. In temporarily-settled provinces the peasants have always suffered; the rate of rent has increased with every settlement. Do our people want that—every 15 years or 20 years or 30 years the rents will increase. (A VOICE: It has recently been started.) Well, one of my friends says that it has recently been started. I can well understand the complaint. You sympathise with the people of those provinces. They face a set of circumstances which make it impossible for the tenants to meet fully the demands on them in the way of payment of rent. Sir, if there is drought, if the yield of the staple crops remains low continously for several years, naturally the tenants suffer. There is power in all political systems for declaration of a *moratorium* during these happenings, which I may call cataclysm. But we cannot have non-payment of rent as a normal condition of things—

(The member having reached the time-limit resumed his seat.)

Maulvi TAMIZUDDIN KHAN: Mr. Speaker, Sir, As matters stand at present, I cannot but support the third reading of the Bengal Tenancy (Amendment) Bill but I must admit that I cannot give my unqualified support to the measure. For reason obviously known to the members of the House there are things which might have been easily done but which unfortunately have not been done; and one of the most important of those things is that nothing practically has been done for the poor under-raiyats in this legislation. It has been said by some of the critics of this measure that nothing is being done for the tillers of the soil and that Government is trying to create another intermediate interest, viz., the raiyats with occupancy rights. I do

not agree with those critics. This measure is certainly giving so valuable rights to raiyats with occupancy rights who are mostly till of the soil but there is another class of tenants, namely, the und raiyats who are also all of them tillers of the soil. Nothing has b done for them. It is not a fact that the attention of Government w not drawn to the condition of this class of tenants because the I pretends to do something for them. The Bill seeks to give und raiyats with occupancy rights, the same rights as raiyats with oc pancy rights. Therefore what I mean is that the attention of Gove ment was drawn to this question but they have not taken it up at rig earnest. Who are these under-raiyats with occupancy rights? Th can be counted on the fingers. The under-raiyats who acquir occupancy rights before 1928 are the only under-raiyats who can ha occupancy rights under the present law. No other under-raiyats c acquire that right. It is only to this limited class of tenants that t same rights are being given as that of the raiyats with occupancy righ That is a serious defect in the present measure.

Then, Sir, the House was very definite about another thing—the ce tificate procedure. The House was almost unanimous in opinion th the certificate procedure must go. The attack has been made only one aspect of the question, namely, the exercise of the right to cert ficate procedure by private landlords but the same right is bein exercised by the Court of Wards estates and khas mahals. Nothin has been done so far as the rights exercised by the Court of Wards an khas mahal officers are concerned. I for myself do not see any reaso why private landlords should be dealt with in a discriminating manne in this matter. Oppression by the landlords is not more pressing o the tenants than that by the Court of Wards or khas mahals.

Another question is that of reduction of rent. We appreciate wha is being done. The abolition of the obnoxious system of *salami* an the right of pre-emption is a move in the right direction but one cannc but admit that only a limited number of raiyats will be benefited b those provisions. In this Bill there is nothing which will benefit th tenantry as a whole. The Hon'ble Minister did not conceal the fac that this measure does not pretend to be a comprehensive revision o the tenancy laws of Bengal. It is hoped, however, that in due cours something may be done in the near future by way of removing th defects which are being pointed out by members of this Assembly an be has also said that very shortly another measure will be introduce by Government. He has also said that a committee of enquiry is going to be appointed to go into the whole question of the land system o Bengal. We do not know what kind of a committee we are going to have, but I must seize this opportunity to make our opinion known to Government so far as this matter is concerned. If it is intended that the members of the committee or the commission, whatever it may be, will be brought from outside, I for myself cannot support such an idea.

We the members of this Legislature are the accredited representatives of the people. Can we not go into a matter like this? Are there not men amongst us who are quite competent to go into and enquire into the land system of this province? Are there not in this House men of the calibre of High Court Judges? Can they not be entrusted with this duty? Is it to be argued that people from England or from some other European country will be able to enquire into the position far more efficiently than the children of the soil? That is an idea which I repudiate with all the emphasis that I can command. That idea had its origin in our inferiority complex or rather slave mentality. Even if it is argued that we cannot do it as efficiently as outsiders, I for myself am prepared to submit to what will be done by our people even less efficiently than outsiders, though I submit that our people will do it as efficiently as possible. If any Europeans are to be taken, we have eminent Europeans in this Legislature and some of them can conveniently be taken in. I do not think there is any necessity to go outside this Legislature for the purpose of selecting the personnel of the proposed commission.

Then, Sir, are we going to wait until the commission submits its report? I think, not. There are many things in the Bengal Tenancy Act which require an early revision and there is no necessity whatsoever to wait for the report of the expected committee or commission. So far as these things are concerned, I think Government will not wait for them. Certain major issues may be left to the committee, namely, whether the Permanent Settlement should be abolished or modified or the manner in which it should be dealt with, but the other Tenancy laws can be revised without the advice or help of any committee or commission whatsoever. I hope Government will take an early step to bring in another measure for revising the Bengal Tenancy Act by way of removing its present defects.

Then, Sir, my friend Mr. J. N. Basu has sung a homily about the the merits of the Permanent Settlement. He has said that in other provinces the tenants are far worse off than the tenants of Bengal and the reason for it he ascribes to the merits of the Permanent Settlement. I think he forgets that there is no richer province in India than Bengal. Where else will you find such rich soil as you find in Bengal. Almost without any labour the Bengal soil yields what with much more labour and money cannot be obtained in other provinces. If my friend makes the Permanent Settlement responsible for the comparative prosperity of the tenants in Bengal, I would say that the habit of fish eating is responsible for the prosperity of the Bengal tenants. I do not know the conditions prevailing in other provinces but I repudiate the idea that Bengal tenants are prosperous, but I think they are as poor as down-trodden as tenants of other provinces are. I do not think that if the Permanent Settlement is abolished the rents of the tenants of Bengal will be enhanced. That will not be necessary. The zamindars

are now realising 16 crores according to some and 30 crores accordi to others annually. But of this vast amount they are paying to G ernment only 3 crores. The rest they are aggrandising for themselv I admit that the whole of this vast amount cannot be realised by G ernment but even if a large portion of it is realised, the rents of t tenants can be appreciably reduced and consequently the income Government from land revenue can be appreciable increased imn diately. But that is a matter which is going to be investigated ir and, therefore, it is futile either to attack the Permanent Settleme or to sing any praise of the Permanent Settlement on the floor of tl House on this particular occasion.

Sir, the discussion of this measure has disclosed certain outstandi facts. To me it seems to be highly gratifying that the Congress Bengal is gradually veering round to the popular demand so far as t tenancy legislation is concerned. I think to-day the tenants of Beng stand far stronger than in 1928 on account of this change in the at tude of the Congress but at the same time it is disconcerting to fi that our European friends have evinced a clear hostility to all attem to raise the status of the Bengal tenants. I do not know why th have made a common cause with the zamindars of Bengal. Probal they will say that they are neutrals: they mean neither to be on th side nor on that side, and that their sense of justice has prompted the to do what they have done so far. I do not think so, Sir. I thi the reason is otherwise. It has been said in the course of the discu sion on one occasion that one set of exploiters is sailing in the sar boat with another set of exploiters. This appears to be more reaso able than the former; otherwise I cannot see any reason whatsoev that my European friends can think of supporting such a barbaro system as the payment of *salami* by a tenant to his landlord on th occasion of the transfer of his property. The very word *salami* is relic of the barbarous past. It shows that a man has to bow to h landlord in order to show respect and also to deliver to him somethin substantial on the occasion of giving his *salami* to him.

(At this stage the member having reached the time-limit, resume his seat.)

Mr. SPEAKER: I must say that unless members on my left ris from now, it will be very difficult for me to accommodate them.

Mr. SASANKA SEKHAR SANYAL: I rose to speak, Sir, but unfortunately, failed to catch your eye.

Mr. SPEAKER: I have got a list here of speakers according to certain order. Your name comes third.

Maulvi ABDUL LATIF BISWAS: Sir, after the strenuous work of this House in the consideration of the Bengal Tenancy Bill, the third reading of which is going on now I would like to say only a few words in support of the motion now before the House. But, Sir, before making any observation regarding this matter, I must say, without any fear of contradiction, that the unstinted praise of this House goes to you, Sir, for the sincere and ungrudging service which you have given to this House in their deliberations on this Bill. Sir, by your impartial treatment of all sections of this House you have been able to raise a chorus of admiration for you. No doubt, it may be said that you have done your duty only. I admit, Sir, that that is so, but at the same time I must say that blessed is he who does his duty according to the dictates of his conscience and does it scrupulously.

Secondly, Sir, I say that the Hon'ble Sir Bijoy Prasad Singh Roy, the Revenue Minister, has been able to earn the gratitude and admiration of all of us by his impartial piloting of the Bill. (Kumar SHIB SHEKHARESWAR ROY: Hear, hear.) My friend the Kumar Sahib, Sir, is saying "Hear, hear", perhaps in irony, but I will presently furnish him with facts and then he will be satisfied very soon that the Hon'ble Minister's piloting of the Bill has been so admirable that it suggests that Sir Bijoy has been moved by a genuine desire to help the helpless tenants of Bengal by removing the grievances to which the tenantry of Bengal has been subjected so long by the oppression and tyranny of the landlords. Sir, the passing of this piece of legislation unmistakably indicates that the Huq Ministry with its strong support of the Coalition Group has already scored one clear goal, to be followed in quick succession by others. (Ironical cheers.) By this I say and declare on the floor of this House that the pledge which the gentlemen on this side of the House gave to their constituencies is being redeemed. (Kumar SHIB SHEKHARESWAR ROY: Question.) This is only the beginning of the race, which we hope and confidently believe we shall be able to win by systematic and speedy runs. (Kumar SHIB SHEKHARESWAR ROY: It is an off-side goal.) My friend the Kumar Sahib says it is an off-side goal, and I admit that it may appear so to my European friends as also to my landlord friends. But to every impartial observer of the happenings, to every impartial observer of things, it must occur that the tenants and the peasants of Bengal are going to be given their just rights and dues. It is a clear goal I say, and again I say that this goal will be followed in quick succession by other goals.

Now, Sir, I will say something about this tenancy legislation. My esteemed friend Mr. Jatindra Nath Basu has said that this piece of legislation has been rushed through without proper inquiry and very hastily. I submit to my friends, through you, Sir, that it has been declared clearly by the Hon'ble the Revenue Minister that this is a relief which is nothing but a temporary relief and that an inquiry is going shortly to be made by a commission upon the results of which

tenancy legislation in Bengal will stand. I ask my friends or frie and other members of his group to wait and see what is going to be do at the present time. At the same time I would remind him that th tenancy legislation was the burning topic of the day and that th question has been ventilated many a time on the platform and in t press. Now as the genuine representatives of the people have come this House, all that is necessary for the alleviation of the condition the peasants has been done.

Now, Sir, I will say something regarding this legislation. O thing I should say is that by conferring right on the tenants as regar land under water owing to diluvion something—I should say a valuab something—has been done for the tenantry of Bengal. It is a rig which is, I say, a bright feature of the Bill which is going to be passe to-day. Then, Sir, by doing away with the right of pre-emption th House has done an act of justice to the tenants of this province, an I say and I believe that it will have good economic effects upon t country. (A VOICE: What about the enhancement of rent?) Anoth boon, Sir, which has been conferred upon the people of this province the doing away with the landlord's fee, and in this connection a sugge tion was made, mostly by members representing the landlord interest that section 299 of the Government of India Act of 1935 stands in th way. Sir, the advocates of that view have said many times that thi legislation offends the provision of section 299 of the Government o India Act. I do not know, Sir, what the legal luminaries of thi province and other provinces will say, but I myself, being a humbl lawyer, think that it does not so offend. Their argument is that i offends against the provisions of the Government of India Act as i involves the extinction or modification of rights in lands, including th rights in land-revenue. But, Sir, by abolishing the landlord's fee n right of the landlords has been extinguished. Sir, this abolition of th landlord's fee is not a right in revenue. I say, Sir, that this right wa created in the year 1928 in an *ex parte* way. It was created by a Legislative Council which was not thoroughly representative, by a Council which was dominated by landlords, and by a Council in which the Congress Party was predominant at the time. My friends over there have challenged and said that our goal is an off-side goal. But I would rather say and fling it in the face of my friends that the goal which was scored then by that Council was rather a clear off-side goal. (Mr. SASANKA SEKHAR SANYAL: My friend's goal against the Congress is a penalty goal.) Well, I will come to that. I will now touch upon another thing. By this legislation the right of proprietorship in land is not denied to the landlords, though, we, the representatives of the people of this province, do not recognize them to be the proprietors of the soil. They may say, and they have said, that it modifies their rights, but, Sir, in which way are their rights modified? They say that their right to *salami* and to the landlord's fee has been extinguished. I say, Sir, that this is a right which was not created at the

ime of the Permanent Settlement in 1793. This right was created in very bad and awkward way. I have just now said that it was a goal hich was scored by the zemindars, and that goal may be described as n off-side goal. It was the creation of a legislature which was not horoughly representative, and I do not think that this is a right which nay be called a right in the true sense of the term. Even if for the ake of argument I take it that it is a right, I submit that as it was ot created by the British Parliament—it was a right which was created y the legislature in 1928—so I think that this right may very well be lone away with by this Assembly which is a thoroughly representative ody now. (A VOICE: But that was also a Government Bill.) (The Ion'ble Khwaja Nawab HABIBULLAH Bahadur, of Dacca: But look t the difference between the two Governments!)

I admit, Sir, that this legislation has not gone far enough. I have lready said that the Hon'ble the Revenue Minister has said that a omprehensive legislation regarding the land laws of Bengal will be rought up after a thorough examination by a commission which is oing to be appointed. (Laughter.) I find, Sir, that some of my riends are laughing. Well, Sir, this laughing will not do. I know, ir, my Congress friends have got a systematic policy by which they an show that they are helping the people. No doubt they will go on arping on this theme times without number,—that they are the atriots and that they are the people who alone are interested in the elfare of the people.

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. Is his relevant?

Maulvi ABDUL LATIF BISWAS: I have heard in the course of liscussions, Sir, that divisions arose in the ranks of the Congress when Ir. Tulsi Chandra Goswami was going in for reference of the Bill to a elect Committee and he was questioned by another gentleman of his arty as to his conduct. I am mentioning all these things just to how that the Congress is trying to take applause only from the country t large but that it was not moved at all by a genuine desire to do good o the people. They tried, Sir, to achieve cheap popularity. They ried to go to the masses with this assurance that they were trying to mprove their condition——

Mr. SPEAKER: Order, order. I would only say this much that o-day being the last day of the session everybody ought to be in a weet mood and no bitterness should be introduced.

Maulvi ABDUL LATIF BISWAS: I bow down to your ruling, ir. But just now I would refer to my landlord friends and would ask hem to adopt a policy of conciliation.

Mr. SPEAKER: I hope, Mr. Biswas, you will finish soon.

Maulvi ABDUL LATIF BISWAS: I appeal to my landlord friend Sir, to be reasonable and not to make the position worse. They ha extracted blood from the tenants, and "stone" is the only thing that now left of them. I would ask my friends to cry halt and sho generosity towards their tenants. Sir, I once again appeal to m friends who belong to the landlord class to come forward with propos for peace and amity, but at the same time I warn them that if th persist in following a policy which is so oppressive in character, it m so happen, Sir, that this abode of peace and amity, I mean this provin of ours, may be turned into a fighting-ground for a civil war. (Kum SHIB SHEKHARESWAR ROY: Hear, hear. We would welcome it.) M friend, the Kumar Sahib, would welcome civil war in Bengal, bu Sir, it will not be good for the prosperity of the country—rather th would bring an end to the prosperity of the country. If, Sir, m zemindar friends are going to pursue a course which would bring abo a civil war in this province, I would ask them to pause and consid the evil effects of such a course. My friend the Kumar Sahib is sho ing a warring attitude, but I am certain that though he tries to be crue I am sure that his real self is not that. He is only "wearing" th attitude, which is not the real thing, and, Sir, I appeal to them to b cautious and generous, and, in the end, I would also appeal to them t come out with the olive-branch of peace in their hands——

(At this stage the member having reached the time-limit, resume his seat.)

Mr. W. C. WORDSWORTH: Mr. Speaker, Sir, this group ha decided to oppose the motion to pass the Bill though it will not ask fo a division.

Before I discuss our position in this connection, I may be permitte to congratulate the Hon'ble Minister in charge of this Bill on his purel technical achievement in getting the Bill through the House. I ma also be permitted to congratulate you, Sir, on the admirable way i which you have controlled this long and complicated discussion.

As I have said, I put forward our opposition but we do not wish t press for a division. Our opposition during the discussion has bee steady and was aimed at being constructive. Our amendments, o which none has been accepted, showed a consistent point of view, an although so many other amendments have been accepted, nothing ha been done to remove our feeling that it is an unsatisfactory measure. I believe the House will admit our claim that in all we have said w have never been pettily contentious, nor pettily obstructive, nor un sympathetic, nor self-interested, although as a group representing th Europeans of this province we have necessarily had to remember that some European concerns are connected with the zemindari system o Bengal. We admit and recognize that great changes are necessary i

our land tenure system: we believe that the Permanent Settlement in its present form, for usefulness, for social justice, requires great change and overhauling in accommodation with the various changes in the social structure. We ourselves endeavoured to make constructive contribution to the Bill by suggesting measures (in amendments which were not accepted) but we failed. In our speeches we have done what we could to help the discussion forward always keeping in mind our point of view; and now we finally put on record our view that it is not a satisfactory measure and that it does not even do what we have been told it was intended to do.

Further, I may add, Sir, that we are even more perplexed than we were a few weeks ago. We recognize that the Permanent Settlement needs overhauling, and we are not unmindful of the peasant's sufferings. But we have a lurking suspicion that there are just and upright men amongst the zemindars too, and that they have not been fairly treated. We think that something better is needed than the Bill before this House. It has been offered to us as a collection of unimportant matters that could conveniently be disposed of before we turned to more serious problems. Also it contains matters of vital importance that must be dealt with at once lest the province and even the Ministry finds itself in jeopardy. These two explanations have been given to the House. We have not been able to choose between them, nor to strike an average between them.

I may put briefly our belief about the Bill. We believe that it was hastily decided on and ill-drafted. We believe that there is a considerable amount of class prejudice in it and that it makes no sincere endeavour to find where social justice lies between landlords, tenants, intermediaries and Government. We believe that it is not the result of freedom of thought and will, but is in a sense a dictated measure. What we wanted in Bengal was a simplifying measure, whereas the Bill as it at present stands is a complication of complications, making confusion worse confounded. We believe that land tenure policy in Bengal, on which the social structure depends, cannot be constructed in a hurry. We believe that the House and the province have been badly treated in that no reasonable time has been given to them to consider a measure that is full of complexity. We believe that whereas it should be our policy to reduce the number of intermediaries between zemindars and tenants, under the provisions of this Bill it is possible that one more class of intermediaries will appear and it is almost inevitable that it will appear. We believe that it puts the landlord in a new and absolutely inferior position in relation to his environments, his tenants, his land, society and Government. Government in this Bill professes to make only quantitative changes. We as a group were prepared to agree to certain quantitative changes and we moved amendments to that purpose. But in certain circumstances quantitative changes are qualitative changes also, and that has happened here.

We do not believe that election promises as they stand are go material for legislation: they are made in profusion in moments excitement and in the heat of the moment, and they should not translated into material for the Legislature by the mere process writing them down on paper. We as a group know a great deal abo the value of election promises to policy. We are brought up, as no o in this House has been brought up, in the tradition of majority rul We believe promises made in such conditions must be judicious analysed by examination from every point of view before they are p before the Legislature for its acceptance. We do not believe that Go ernment is or has been certain of its own intentions. When I sa about three weeks ago that it had suddenly changed its mind on t afternoon of a certain day I was not speaking from inference or surmis but from solid knowledge derived from the printed word and the spoke word.

Now, Sir, having criticized the Bill directly I may be permitted t say a few words about it indirectly by way of comment upon certai comments that certain members of this House have made about th group. In speaking of our own merits it will be permissible to use lighter tone than was appropriate in discussing the demerits of a Gov ernment measure and the unhappy conditions of the peasants of Bengal It will not have escaped the notice of the House how of late this grou has been criticized in various ways, how its representative character ha been widened by agreement among a number of members of this House My friend Mr. Tamizuddin Khan is the last to join in this. A few minutes ago he described us as "eminent European exploiters"——

Maulvi TAMIZUDDIN KHAN: I have never used these words.

Mr. W. C. WORDSWORTH: Others have left out the word "eminent". (Laughter.) All this because we have had something to say in defence of landlords. When I spoke three weeks ago I spoke only as a European. Now any one who speaks from these benches speaks also as an imperialist, a capitalist, an oppresser, a tyrant, a parasite, a bloodsucker and, most embarrassing of all, as a friend of and conspirator with Kumar Shib Shekhareswar Roy and the Maharaja Sashi Kanta Acharya, of Muktagacha in Mymensingh. Strangers in the House hearing these words might rush to the conclusion that the House does not love us. This group does not draw that inference. We say in our English villages that hard words break no bones: politics would be boring if its instrument were a feeble and bloodless vocabulary; and I am not the only member of this group who thrills with gratitude and ecstasy when taken for a capitalist.

Now what you have to ask yourselves is why these 25 men have arrived at a certain opinion with regard to this Bill. The explanation is not that they have felt the whip of discipline, neither have they

taken up their attitude because certain European interests have to be safeguarded. That is not the explanation. The zemindari concerns of European firms are too small in comparison with the great volume of European business in this country for that to be a possible explanation. Nor has this group been seduced by the zemindari interest in the House. We have arrived at our view from such knowledge as we have after a study of the whole situation. Let me remind you that we are a group of 25, out of 250 in the House, diverse in temperament, attitude and aptitude. We can all read and write: some of us can do simple arithmetic; we claim that we are not very much lower than the ordinary level of intelligence. We have arrived at our opinions by thought and study; and if our study is inadequate Government are to blame. We wanted more time to consider the measure. To-day after this long discussion of more than a month we still have a lurking suspicion that there are good, upright and honest zemindars in Bengal, and there must be something to be said for a zemindari system that has held society together for nearly 150 years. That is, Sir, our opinion: and nothing has happened during the last four weeks to change it.

I put these things before the House because we believe that whatever has been done in this Bill, it will have to come back to us in this House, not only because of the wider consideration of land tenure problems that is to be undertaken in this province, but also because certain facts, certain ideas which may be thought to have already been disposed of by this Bill, have an internal explosive force that will sooner or later bring them before our notice again. I would ask my friends to put the question to themselves, why have we taken up this position, why without the whip of discipline have we arrived at this attitude regarding the measure? Is it not to our credit that we have chosen the unpopular path when it would have been easier and immediately more rewarding to side with the large majority? If we had not spoken for the zemindars we should have been the most popular people in Bengal. We have not done so. This group has been the consistent opponent of the Bill. If with our general views we have arrived at this attitude to a special measure, if we can be accused of being more landlordly than the landlords, is it not because the measure has put us in an unreal position? We would ask the House to consider whether the Bill is not entirely unreal. Government has produced a measure in which it does not believe. Nearly everybody has been a supporter of it, and yet we had nearly 2,000 amendments on the paper, and I do not know how many more short term amendments we have had to take into consideration. Some of our Congress friends have been giving a stately demonstration of a number of Bengal zemindars highmindedly but reluctantly preparing to commit suicide out of political affection for their tenants (laughter) and at the same time desperately looking round for some one to deliver them from their painful purpose. On our left there is as much unreality, because no one there has suggested

that he is acquainted with any one except a zemindar who takes land a a price and lets it out to working tenants at a higher rate, and ye that is one of the evils that this Bill is supposed to do away with.

Now, Sir, to end, let me put our feelings in this brief way. W have not been convinced in intelligence and we have not been uplifte in emotion. Nothing that has happened has made us think of an great figures of literature or history. We have not been made to thin of Ajax defying the lightning, or Horatius keeping the bridge, or c brave men dying in the last ditch for their conscience and ideals. W have been made to think only of two homelier figures in modern history One is the Irish criminal judge who always delivered sentence afte hearing the prosecution because if he listened to the defence he merel got confused (laughter). The other was the Colonel who alway marched behind his regiment and when asked why, he said "am I no the leader of the gallant men and should I not follow them whereve they want to go?" (Renewed laughter.)

I thank you, Sir, for the extra time and I trust I have been able t convey to you the impression that this group does not support the Bill

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, many of us must have read in our schooldays Southey's well-known poem 'After Blenheim.' The Duke had won a great victory and as al praised the great Duke so old Kaspar must praise him too but young Peterkin not being fortunate enough to subscribe to old ideology questioned what good came of it and history says that young Peterkin was in the right. For it is now an established fact, at least to our awakened conscience of the 20th century, that every great victory means an imposed treaty and every such treaty means a revisionary war. As in war so in legislation, the most hasty thing achieved by force does not cure an evil; on the other hand it creates more troubles. I can congratulate the Hon'ble Minister on the celerity with which he has finished the business but it is doubtful, Sir, whether posterity will congratulate him on the measure that he has been able to get through in such a fashion.

Sir, in moving the second reading of the Bill the Hon'ble Minister made certain observations and threw out certain challenges. He claimed that the Bill was intended to improve the position of the cultivating raiyats and the tillers of the soil. Certainly that is a great object to profess but, as the Bill is going to be passed we wonder how the position of the cultivating raiyats is going to be improved by its provisions. Sir, the situation in which the Government has undertaken the amendment of the Bengal Tenancy Act can well be put before the Legislature in the words of the last Census Report. The Census report says: "cultivating owners and tenant cultivators were not distinguished in 1921: together they number 60,41,495

(in 1931) compared with 92,74,924 in 1921, a decrease of about 35 per cent. On the other hand agricultural labourers have increased by 50 per cent. and now number 27,18,939 as compared with 18,05,502 farm servants and field labourers in 1921. There has been a considerable increase in the numbers returned as non-cultivating proprietors and a small decrease in the number of agents.....", etc. These figures will show that between 1921-31 the number of non-cultivating proprietors increased by nearly 50 per cent., that the number of cultivating owners decreased by more than 35 per cent. and that the number of agricultural and field labourers increased by 50 per cent. In these circumstances, Sir, which must have changed for the worse during the last few years, the Government have come to conceive the Tenancy Amendment Bill. It was natural, therefore, for us to expect that Government would take into due consideration the implications of these facts. Now what are the principal implications? The principal implications are that the cultivating owners, the occupancy raiyats and under-raiyats, in other words, the raiyats with rights in the land are dwindling in number and that landless agricultural labourers are increasing in number. That is the position in which the Government have undertaken the amendment of the Bengal Tenancy Act and how do the Government propose to improve the position of the cultivating owners—cultivating raiyats? Well, by the abolition of the landlord's fee and the landlord's right of pre-emption. Let these two things go; but is the Government sure that unrestricted right of transfer is the only desideratum, is the only thing that can improve the position and prevent the progressive dispossession of cultivating owners? Surely, that is not the opinion of experts and economists. Says Dr. Radhakamal Mukherjee no friend of landlords or landlordism: "It is not in the interest of cultivation to create saleable proprietary and occupancy rights which may be bought up by money-lenders and non-agriculturists who will convert the cultivating owners and tenants into rack-rented-tenants at will." Then, Sir, it is further said, that "from the cultivators' point of view it has been an unmitigated evil: many raiyats are now under-tenants at a rack-rent on their holdings, which have passed into the hands of the middle and money-lending classes. This has led to the extension of the present system of produce rents causing rack rents—already a serious problem in many parts of Bengal." Then he suggests the remedy: "Perhaps the best plan would be to give the power of alienation subject to a right of pre-emption which might be given to bonafide raiyats of the village." The Bill proposed no such thing. It only proposed to repeal the existing bars and confer unrestricted right of transfer. The Government proposal in the Bill, therefore, was a proposal which meant no benefit to the cultivating owners. It was certain to reduce further the number of cultivating owners and to pass more lands from the hands of the cultivating tenants to the hands of the middlemen-

and the money-lenders. This undesirable result, Sir, has been prevent to a large extent only by the attempt of my hon'ble frier Mr. Surendra Nath Biswas. Had he not suggested that there shou be pre-emption in favour of the co-sharers of the selling raiyats would have spelt a disaster for the Bengal raiyats and I can on congratulate the Hon'ble Minister in charge for accepting this sugge tion. It has saved the situation.

Now, I have got to offer an explanation. Friends opposite que tioned me: why I supported the abolition of salami and the abolitic of the right of pre-emption then? It was simply because that a pr emption in better form would come into existence.

Another feature of the Bill for which the Government claims cred is the repeal of section 48H which will make for unrestricted subletting Is it likely to do good to the cultivating tenants. I again doubt an doubt on good authority. "Like unrestricted transfer free sublettin in the face of a progressive fractionalisation of holdings provides th opportunity for the non-agricultural money-lenders." "The tenar entrenched within his statutory rights, and having the power t sublet, has not seldom become an intermediary, and the real cultivate is reduced to the position of a mere tenant at will. Thus the cultiva ing peasantry is gradually being expropriated. It is they who forn a continuously increasing class of farmhands and day labourers, floating population which is at once the cause and effect of ou agricultural inefficiency. Such a state of things holds good in Agra Oudh, Behar and Orissa and the Central Provinces. But it is i Bengal that these forces have now constituted a real economic menace. On the face of such expert opinion the Government has offered th right of unrestricted subletting. I do not understand, Sir, how th position of the cultivating raiyats or the cause of agriculture in Benga is going to be improved thereby.

Then, Sir, there was another proposal in the Bill by which Goverm ment pretended to advance religious interests. I refer to that provi sion for allowing structures solely for religious purpose to be erected on holdings on certain conditions (clause 20 of the Bill). The Government threw out a challenge to us to oppose any of the clauses of the Bill but they did not give us even an opportunity to take up the challenge here and beat a hasty retreat. Their victory here was truly a Pyrrhic one.

Now, Sir, more than once it has been said from the other side that the Congress party in 1928 went over to the Government side and created these new rights of landlords' fee and pre-emption for the landlords. That is not true. Those rights were inherent in the proprietary rights of the landlords. Had not the landlords' fee and the right of pre-emption been taken out of the bundle of proprietory rights and incidence and had not special provisions been enacted in

1928, it would have been impossible to-day to do away with these things. The Congress by its activity in 1928 just made it possible for this legislature to deal with those things in such a fashion. Otherwise it would have been impossible to get over the bar of section 299 of the present Government of India Act. Just as we are being accused to-day for all the progress made in 1928, who knows that in future the supporters of a Government composed of real representatives of the proletariat will not accuse with greater justification the *projabandhus* of to-day for working in the interests not of the real cultivators but of the petty bourgeoise and thus making landlordism hydra-headed?

Mr. SARAT CHANDRA BOSE: Mr. Speaker, now that the discussion of this Bill is over or nearly over so far as this House is concerned, I shall attempt to give a brief retrospect of the debate on this Bill and to put in clear relief the part played by the Congress Party in connection with this extremely hasty and ill-conceived measure.

When this Bill was first introduced, I ventured to make certain criticisms against it which were then resented by the Hon'ble Revenue Minister. But as chance would have it, they have been proved to be true not only by the course of events but also by the admissions of the Hon'ble Revenue Minister himself. At that time we said, and we said more than once, that the present Bill was a hasty and ill-considered piece of legislation, inadequate for the purpose for which it was intended, and hypocritical, because it pretended to remove the grievances of the actual tillers of the soil, many of whose disabilities is totally ignored and which still remain ignored.

The members of the Treasury Benches disputed at that time those contentions of mine, while the Hon'ble Minister in charge of the Bill challenged us to vote against any of the provisions of the Bill. If my recollection serves me right, I characterized those challenges of the Hon'ble Revenue Minister as "mock-challenges," refusing to take them seriously as I felt sure that time would show that there was no substance in the claims put forward by the Hon'ble Revenue Minister and by the Government which he represents on behalf of this Bill of their's. That was what I felt then; that is what I feel now; and as it happens, all the points which we then made have been amply made out, as I shall proceed to show in a minute, by what has been said and done subsequently in the course of the debate.

Let me, Sir, within the short time at my disposal try to enumerate these points in brief. To take the question of hastiness first. It has been conceded by the Hon'ble the Chief Minister and the Hon'ble Revenue Minister that the Bill was in fact hasty; it was conceded in the course of the debate. But they have not adopted—they did not venture to adopt—the most courageous and straightforward course of

making a frank admission. They have tried to foist the responsibili for their own indecent haste on groups outside this House, who "mischievous propaganda"—to use the words of the Hon'ble the Chi Minister—was according to them answerable for the slipshod way which this Bill was proceeded with. It seems to me, Sir, unaccoun able to ordinary and normal human reasoning that a Ministry whi commands to-day, through the combination of fortuitous circumstance a majority in the House, should be so stampeded into hasty ar ill-considered legislation by the propaganda—the "mischievous prop ganda" according to the Hon'ble Chief Minister—of a small group people, assuming for the moment that such propaganda was resorte to. Of that, Sir, I have no knowledge myself. This plea of their in my opinion, seems to be an after-thought, more than an afte thought. This plea really proves the incontrovertible nature of th grounds which I ventured to make at an early stage of the Bill. An then, Sir, if any further proof were needed of the hasty character this Bill, incontrovertible proof is afforded by the fact that hardly or of the clauses of this Bill, except possibly some consequential one was passed in its original form. It has moreover to be borne in min that the Hon'ble Minister has himself had time and again to brin forward amendments to many clauses of the Bill—his own draft- (Mr. TULSI CHANDRA GOSWAMI: Four times)—yes, sometimes fou times as my friend, Mr. Goswami, reminds me. Sir, I ask th members of this House—could there be a more pitiable instance indecision than this picture of the Hon'ble Minister in charge of th Bill not knowing his own mind when he proposed the Bill and the trying to discover his real intentions subsequently in the course of th debate in the light of the intentions of the groups behind him?

Now, Sir, I shall now proceed to the question of the inadequac of the Bill. There, again I shall remind the House of the repeate assurances of the Hon'ble Minister in charge of the Bill that the latte was inadequate in its scope and effect and that fresh Bills—I do no quite remember whether he used the expression "Bill" or "Bills"- were going to be introduced in the coming session of this Assembl with the special purpose of giving more rights to the under-raiyat and more benefits to the actual cultivators in general—such, fo instance, as could be secured by amending section 68 of the Benga Tenancy Act which relates to the liability of the tenant to pay com pensation at the rate of 25 per cent. in a suit for arrears of rent.

Now, Sir, I would next like to point out, if I may, to one or two insufficiencies of the Bill in addition to those which have already beer acknowledged by the Government in the course of the debate. The existing rates of rent are considered by Government to be irksome, if not actually oppressive, in many parts of this province. But the House will look in vain for any provisions in this Bill which are

designed to lighten this burden. There are in fact none which seek to give relief to the tenants; for that clause of the Amending Bill which suspends for the time being the provision of the Act in regard to the enhancement of rent puts a bar only to future enhancements but does not concern its present incidence.

Secondly, as far as one could judge from the proposals actually put forward before us, there is no intention in this Bill to give more extensive rights—not to speak of any actual proposals—than are at present enjoyed by the under-raiyats who are the actual tillers of the soil. The number of under-raiyats in this province, if I may remind the House, is larger, possibly considerably larger than those of the raiyats, technically so-called. But under the existing provisions of the tenancy law there is no provision,—and I desire to remind the House of that again—there is no provision enabling under-raiyats to acquire occupancy rights in land by 12 years' possession. The only way in which an under-raiyat is left to acquire this right is by proving custom or usage to that effect; and this House knows—particularly the legal section knows—quite well how difficult it is to prove custom and usage. Besides, under the existing law, the under-raiyat is like a tenant at will ejectable at one year's notice and also upon failure to pay one year's rent. If Government had the slightest intention to give occupancy rights to the under-raiyats, they could have done so in spite of their hurry—which hurry they have put forward as their plea for not being able to deal with the question of occupancy rights for the under-raiyats.

Mr. Speaker; finally, I should like to say one word about the Hon'ble Revenue Minister's challenge to the Congress Party to oppose any of the provisions in this Bill. I do not know, Sir, whether he is going to repeat the challenge after the fate which overtook so many of the provisions of his Bill. I do not think it necessary to tell the House at this stage that we, the members of the Congress, have in fact opposed—and opposed with some success—many of the clauses of the Bill and what is perhaps of more practical consequence, improved many of them. In support of this claim of mine, may I cite a few instances? The first of these relates to clause 4. The Congress Party had proposed an amendment with the intention of abolishing the landlord's notice fee of one rupee together with the prescribed cost of its transmission. The Hon'ble Minister had himself to insert a similar amendment in the Bill. Secondly, the Hon'ble Minister in charge had to accept the amendment of my party with reference to section 26F relating to pre-emption. Thirdly, Sir, clause 20 of the Bill has been withdrawn by the Government. The deletion of this clause was proposed by the Congress Party on the ground—I shall not say, Sir, that it was calculated to aggravate communal ill-feeling—on the ground that it had the tendency to aggravate communal ill-feeling.

We of the Congress Assembly Party, are opposed to the introductic of matters religious into measures dealing with political and econom rights. We believe it is possible for us, Hindus, Moslems a Christians to conduct ourselves in such a manner both in our publ and private lives that every Hindu home will become a temple, eve Moslem home a Mosque, every Christian home a Church—(Hea hear). In addition to these, may I remind the House that the Congre Party proposed many improvements in the draft of the Bill, t principal of which covered the right of usufructuary mortgage for t raiyats, prohibition of further enhancement of rent, abolition of t certificate procedure in the case of Government estates and estat under the Court of Wards as well. Though those amendments we not carried, we were of opinion and we are still of opinion that the would have substantially improved the Bill, if carried.

Sir, I desire before I conclude to say one word about the relatio between the Congress and the zamindars. It is necessary because was referred to on certain occasions during the progress of this Bi by certain members of the House. I desire to make it clear—if it at all necessary to clear it up—that the Congress is not in favour- is definitely not in favour of perpetuation of landlordism. We di not look upon, we do not look upon; rights of property as though the were some dread absolute which could not be touched. At the sam time we discourage any attempt to describe any class or section of ou people as "blood-suckers." In the course of the debate, violen language was used against the landlords. They were described a "blood-suckers;" it was said they should be "flogged." I deprecate th use of such language. If any such expressions have been used by an member or members on this side of the House in the excitement of th moment, I am extremely sorry for it and I owe and offer an apolog to the House. We believe it is possible by adopting the formulæ o co-operation among all classes and sections of the people, we believ that it is possible by co-operation among all classes and sections— (The Hon'ble Mr. H. S. SUHRAWARDY: Hear, hear)—Mr. Suhrawardy says, hear, hear; I do not mean co-operation with the Ministry of th day, but co-operation with the masses of the people—we believe tha by the adoption of the formulæ of co-operation, it will be possible fo us to remove once for all distinctions between man and man and betwee class and class that unfortunately exist at the present moment. We do not believe in the adoption of the formulæ of conflict as a solution of the antagonism between landlords and tenants. We believe it is not necessary to adopt the formulæ of conflict.

Sir, the Congress seeks to make its way into the minds of men— (The Hon'ble Mr. A. K. FAZLUL HUQ: Stealthily). No, not stealthily. Doing things stealthily is, I believe, the practice of the Hon'ble the Chief Minister. Not stealthily, but openly. Sarat Bose never did

anything stealthily in his life and he challenged the Government more than once to show that he had done so. I repeat, Sir, the Congress seeks to make its way into the minds of men, not merely by its idealism but by its realism, not merely by its spiritual promise . . . . . (MAULVI ABDUL BARI: Not by spiritualism but by communalism) . . . Certainly not by communalism as Maulvi Abdul Bari says, but by fighting communalism. Mr. Speaker, Sir, the Congress seeks to make its way into the minds of men not merely by its idealism but by its realism, not merely by its spiritual promise but by its materialistic prospect. We are conscious that we are in a minority in this House. But we do not regret it. We know—and history also tells us—that new trunks spring from the minority, more often than not, from a minority of one. We believe that by persevering in session and out of session, by persevering from year's end to year's end, we shall be able to help the masses of the people to come to their own. In that faith and with that belief we shall persevere, as I have said, from year's end to year's end until the tenants—by which expression I mean the actual tillers of the soil—come to their own.

With these few words and for these reasons, Sir, I oppose the third reading of the Bill.

At this stage the House was adjourned for fifteen minutes.

After adjournment.

The Hon'ble Mr. A. K. FAZLUL HUQ: Let me begin by offering you on my behalf and on behalf of all sections in this House our warmest congratulations for the success with which you have conducted the proceedings of this House in this session. The task before you was onerous; the difficulties were many and varied; and situations arose from time to time of a delicate character; and we are glad that you have surmounted all difficulties and have achieved a triumph of which you can well be proud. You were a member of the Coalition Party and it is a matter of sincere gratification to us that our choice had fallen on you at the time of the election of Speaker and that the votes we have cast in your favour have been amply justified by your actions. My congratulations now go forth to my friend and colleague, the Revenue Minister who has come forward to pilot the Bill in this House in a manner deserving of the highest praise and commendation. It is easy to indulge in carping criticism but when one remembers that he belongs to a zamindar family, born and bred up under circumstances in which zamindars are bred up in this country, it is easy to concieve that he had to contend against difficulties and against tremendous odds in the piloting of a measure of the character which has been so long before us. He has shewn a courage of conviction as creditable as it is rare, and I think he has

earned the gratitude of those interested in the welfare of the raiyats Bengal for having made at least a good beginning towards the amelio tion of the condition of the peasantry of the province. Sir, I would ta this opportunity of congratulating my friend, Kumar Shib Shekharesw Ray, on the splendid fight he had put up on behalf of the zamindar and the manner in which he has fought with the back to the wall a with little chance of success but in all sincerity and with the coura born of convictions. We may differ from him but we know how appreciate courage in its truest form just as much we hate hypocri and deceit. Sir, a word or two with reference to our friends in th House. I do not know whether they expect that we should congratula them also. (Dr. NALINAKSHA SANYAL: Why not). (Laughte But we certainly appreciate the point of view which they had adopt with reference to the Bill, and we realize that they have been consiste in the attitude that they have taken up, and we are ready to believe th in taking up that attitude they were not actuated by any feelings hostility towards any community or towards any class. What they d was on a question of principle, and in the course of discussions that w had with our European friends we found them perfectly amenable listen to reasonable arguments and to yield where they found that t position was such that a certain course of action was inevitable. Wi these few words, Sir, I would now come to a discussion of the provisio of the Bill.

My esteemed friend Mr. Sarat Chandra Bose has ended his speech l saying that he opposed the third reading of the Bill, which means th he opposes this Bill. (Cheers.) That, Sir, sums up the Congre attitude. (Cries of Hear, hear.) And I do not think it will lie in the mouth hereafter to say, if this Bill brings any comfort and solace to tl raiyats, that they were responsible for bringing them about or that the can claim any credit for them. I have been told, Sir,—I have bee reminded, and the House has been reminded—that whatever good the is in the Bill is solely due to the efforts of the Congress Party and i allies in this House. Sir, I take this opportunity of repudiating an assertion or claim of this kind. Even at the risk of offending m Congress friends, I wish to tell them in the plainest manner possibl that throughout the discussions and throughout the measures that w have adopted in carrying this Bill through, we have not cared tw farthings for the half a dozen men who occupy the south-east corner o this chamber. (A VOICE: They are one dozen and not half a dozen.) I is not on account of their suggestions but it is on account of the sugge tions of the Coalition Party that the Bill was drafted, that the Bill wa changed from time to time, and whatever good there is in the Bill, th entire credit for that is due to the Coalition Party in this House. (Hear hear). (DR. NALINAKSHA SANYAL: It could not but be so with th Democles' sword hanging over you and your Ministry!) I will now giv one or two instances. My friend Mr. Sarat Chandra Bose has referre

to the deletion of the provision regarding notice-fee. I may tell the House that the decision to abolish the notice-fee was taken, long before it had attracted the notice of the Congress Party here, at a meeting held at 88/2, Jhowtala Road, at which members of the Coalition Party were present.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is the Hon'ble the Chief Minister in order in referring to party meetings and decisions arrived at there?

Maulvi ABDUL BARI: Sir, when the Leader of the Opposition spoke no one from this side of the House interrupted him, and we expect that the Leader of the House should be similarly treated.

Mr. SPEAKER: I hope the Leader of the House will kindly not refer to what actually took place at the party meeting and to any party decision.

The Hon'ble Mr. A. K. FAZLUL HUQ: I only said, Sir, that it was a party decision, and in pursuance of what took place at that meeting Government agreed to delete the provision regarding the notice-fee. Similarly, it was the opinion of the Coalition Party that had prevailed regarding the pre-emption and regarding clause 20, and it is only obvious that it should be so. In the course of the passage of this Bill through this House there was hardly any occasion or any justification for us to sit in conference with members of the Opposition. All the conferences and all the discussions that we held had necessarily to be with members of the Coalition Party, but, Sir, we were not opposed to accepting any reasonable suggestions from any other party, and in some instances where we found that suggestions made by members of the Congress Party were reasonable and could be accepted, the Hon'ble Minister in charge of the Bill did not hesitate to accept those amendments. That only shows how very fair-minded he was, and that justifies the claim we make that in carrying this Bill through this House he has been solely actuated by considerations of benefit to the peasants of Bengal. My friend Mr. Sarat Chandra Bose has referred to the under-raiyats. Every one knows, Sir, that he is one of the leading lawyers practicising in the Calcutta High Court, but we all know also that his practice is confined to the Original Side where the Bengal Tenancy Act never appears and where the creature called the "under-raiyat" never figures in the briefs handled by barristers and advocates!

Mr. SARAT CHANDRA BOSE: Unfortunately for the Chief Minister, Sir, I myself am an under-raiyat.

The Hon'ble Mr. A. K. FAZLUL HUQ: So I will not be surprised to hear next that his under-raiyati holding has disappeared. (Laughter.) (Mr. SARAT CHANDRA BOSE: It has not yet.) All right, Sir, it has not yet disappeared, but it does not matter to him in the

least because my friend does not depend upon his under-raiyati holdi but on the thousands that he makes on the Original Side of the Calcut High Court. My friend has made a rather startling assertion in th House that the number of under-raiyats exceeds the number of raiya in Bengal. But, Sir, the fact is exactly the contrary. Unde raiyats do exist in some parts of the province, but the under-raiyats are nothing in number in comparison with t actual raiyats who are the tillers of the soil. As regards these unde raiyats, I do not admit that the Bill does not give them any relie (MANY VOICES: It does not; it does not.) An examination, of th Bill, Sir, would show that it has been made easier for the under-raiy to acquire the rights of occupancy, (Cries of 'No, no')—much easier have now than the under-raiyat had under the Act of 1928. (R HARENDRA NATH CHAUDHURI: No, no; not at all.) At any rate, the is nothing in this Bill to prevent them from acquiring occupanc rights. We have distinctly provided that under-raiyats having righ of occupancy (Mr. SURENDRA NATH BISWAS; Oh, having certain righ of occupancy, but not otherwise!)—having certain rights of occupanc will enjoy certain rights. As has been said several times, Sir, thi Bill is not hypocritical, but it has been rather hastily drafted, an there is no harm if we make the admission that circumstances necessi tated that the Bill should be carried through in this session. (Dr NALINAKSHA SANYAL: What are the circumstances?) Well, I wi briefly mention the circumstances. The circumstances are the tactic adopted by my friend Dr. Nalinaksha Sanyal and his confreres. The wanted to get cheap credit from the masses of Bengal and we wante to stop that. (Cries of 'Oh, oh' from Congress members). (Dr NALINAKSHA SANYAL: So, we do come into the picture after all!) An this manifested itself in various stages during the progress of the Bil in this House. If we said that enhancement of rent should be suspend ed for ten years, then immediately the Congress Party came forwar with an amendment suggesting that it should be for twenty years. If we said that the rate of interest should be 6¼ per cent., that Party, Sir, needs must come forward with an amendment putting it at 5 pe cent., based on no principle whatsoever but merely by way of obstruc tion. These suggestions were put forward in order to get cheap credi as benefactors of the raiyat. But, Sir, so far as these matters are con cerned, no one can claim that this Bill—or any Bill for the matter of that—is a counsel of perfection. My friend Mr. Sarat Chandra Bose has said that one looks in vain in this Bill for any provision for the abatement of rent of the raiyats. Now, Sir, we have stated over and over again that the rate of rent throughout the province is so uniform, that it is impossible to lay down one hard and fast rule which will apply in all cases. In some cases there has been absolute rack-renting, and in some cases—not rare—the rent is rather below the average prevailing in the neighbourhood. So, in these cases to lay down one hard and fast rule would be an impossibility to carry out in practice.

Now, Sir, I would ask my friend Mr. Sarat Chandra Bose and other members of the Congress Party here to compare what we have done with what has been achieved in the Congress provinces. Look at this picture and that! They have been able to achieve nothing, and—let me be a prophet for once—they will be able to achieve nothing. (Dr. NALINAKSHA SANYAL: A prophet, but a false prophet.) (Laughter.) They have sent a Bill to a Select Committee to rot there perhaps for weeks and weeks, and when it comes back it will be so mutilated that perhaps another drafting will be necessary, and that Bill will perhaps be circulated for opinion somewhere and will get lost in oblivion! In regard to tenancy matters, Orissa, Bihar, and Bengal practically stand on the same footing, and I throw out this challenge that if in course of time you can show that the Congress Ministers in Orissa, Bihar, and the United Provinces have done anything more for the raiyats than we have already been able to do in Bengal, then we shall stand self-condemned. But not before you can prove that you can achieve more than we can do, will we allow you to take credit for things which it is impossible to do or to attain objects which it is impossible to achieve. Sir, the question of the relationship of landlords and tenants bristles with many difficulties and is always of a very delicate character. A more difficult problem it is difficult to conceive, because in inexperienced hands and with rough-handling it may lead to disastrous consequences. Therefore, it is no use saying that the law as between the landlord and the tenant in Bengal has been put on a satisfactory footing. My friend Mr. Tamizuddin has referred to a committee and he says that he deprecates the idea of a man being brought from outside to take part in the deliberation of the committee or to make suggestions for this amendment of the tenancy laws of the province. We do not say that it has been decided to bring men from abroad. If men are brought from abroad it is not because of inferiority complex but because men coming from abroad are able to bring an unbiased mind to problems of very complicated character and can look at the questions from an impartial and detached point of view. We are partisans and advocates of one thing or another. If I put Mr. Tamizuddin on the Committee Mr. Bari will jump upon us and say that he is more competent and so on and so forth, and it is difficult to find the personnel of the committee. I do not mean to say that it is an impossible task, but it is difficult of solution and I hope that if the Congress Party are willing to co-operate with us in all sincerety in order to improve the lot of the raiyats and to put the landlords of Bengal on a satisfactory footing, let them not criticise us without any reason, let them not oppose us simply for the sake of opposing and let them come forward with constructive suggestions, if we are in error, to point out the right path to us. Let them come forward in friendly spirit because in a proper solution of problems relating to landlords of Bengal lies the peace, contentment and tranquillity of the millions of the masses of the province and ultimately the

prosperity of the country as a whole. Therefore is it not a blessin
You may have your support about other matters, but for this Bill
appeal to all of you to leave party politics aside and approach the qu
tion of such a momentous importance from the sole point of view
doing your duty to those who are unable to take care of themselves.
may be that your tactics may succeed. It may be by some means y
may be able to spread disaffection in our rank to destroy majority a
to turn us out, but that gain will be inconsiderable comparing with wh
we have done for the future peace and prosperity of the provinc
Reserve manœuvres for other things and let land laws be outside t
scope of party politics. Well, all I can say is that we separate to-d
and we take leave of one another in a rather jubilant mood and rath
elated with success. We have scored not one goal but 56 clear goa
and 100 indirect goals and are going to have an exhibition for the distr
bution of goals to the Congress parties. But I wish that this evenir
the time has come for us to part and take leave of one another. I ho
we will be able to do so in a spirit of fellow feeling and friendship ar
we all have to forget that in the heat of controversy we have given an
received hard knocks from one another. It is only inevitable that the
things have happened. After all take these in a sporting spirit. L
us hope that this Bill, for which small credit is due to the Hon'bl
Revenue Minister, will only be beginning of a series of legislation whic
will put the land laws of Bengal on a satisfactory footing to the land
holders of the province and satisfactory to the raiyats and the cultivat
ing classes throughout this country. Sir, I wish I could go a little mor
deeply into the laws of the Bill to show what we have been able t
achieve. We have abolished the landlord's transfer-fees and the righ
to pre-emption. We have repealed Chapter XIIIA which allows land
lords the use on certain conditions of the certificate procedure fo
realising their rents. We have given under-raiyats the right to surren
der their holdings. We have imposed summary penalty for the exac
tion of *abwabs*. We have empowered Government—not merely
suspended for a period of 10 years—to suspend any or all of the provi-
sions of the Act relating to the enhancement of rent which benefits both
raiyats and under-raiyats. We have given tenure-holders the right to
surrender their tenures. We have allowed landlords to use for a portion
of their arrears of rent instead of for the whole amount. We have
given increased facilities for the subdivision of tenures and holdings to
such an extent that one has to consider whether it will go beyond the
line of safety. We have provided for the suspension or abatement of
rent when a tenure or holding is lost by diluvion. We reduced the
rate of interest on arrears of rent from 12 per cent. to 6¼ per cent. We
have given occupancy under-raiyats the same rights of transfer as
occupancy-raiyats. And we have given facilities to occupancy-raiyats
to regain possession, under certain conditions, of mortgaged holdings.
We can improve more, but I think that is sufficient for the present. It

is no mean achievement as a good beginning and during the short time at our disposal. Critics there must always be: there are disgruntled politicians who see nothing good in their opponents. But after all there will be par of public opinion because of justice and truth and that honesty and sincerety of purpose with which we have worked will achieve its end. We have done our duty which nothing in this world can either give or take away. We have been opposed almost at every step. We have surmounted all obstacles and at the mercy of God we are in a position of triumphant conqueror. In the moment of triumph let not any amount of pride overtake us. We will be humble as we were in the beginning and as humble servants of public we tried our best to do our duty, and so long as strength remains in us, so long as opportunity comes to us, so long as God Almighty gives us inspiration, whatever ability we possess, whatever opportunity comes in our way, we shall always try for the good of these inarticulate masses and in whose interest, and interest only, must always remain our most sacred virtue.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha, Mymensingh: Sir, knowing that any appeal for the exercise of equity or justice will be a cry in the wilderness, especially as I represent a community who do not count in this House, still I feel it my duty to raise my voice once again as a protest against the proposed legislation.

Sir, no sound economic principle has been followed in the Bill nor ordinary legal principle. But the Government are rushing it through without any reason whatsoever, simply to satisfy the pledges given by some of the members.

Sir, what is it that the Government is really effecting by this measure. They are out to benefit pattanidars, tenure-holders, talukdars, money-lenders at the cost of the zemindars whom they for some reason best known to them must cripple, and this is going to be done under the pretence of legislating for the benefit of the cultivators. The view point of the Minister in charge of the Bill is difficult to understand. He would defer the legislation for the benefit of the actual tillers of the soil till the findings of the proposed Commission were out, but the interests of the intermediaries have appeared to Government to be so urgent that the Bill must be rushed through, even at the cost of expropriating the zemindars. (A VOICE: Question.)

Sir, enhancement of rent must be suspended for 10 years, so as the Government might be able to know from the report of the Commission what changes were necessary. They also allow all classes of tenants to enjoy the fruits of their clandestine occupation of excess lands for 10 years without being at all assessed to any rent. Why do you suspend section 52 of the Act? Why do you extend the benefit of section 67 of

the Act to the pattanidars, and why do you try to interpret expressio in the future regulation in order to suit the clandestine arrangemer made by the pattanidars, not to be totally ousted from their lands as result of the Astam Sale? The right of *salami* and of pre-empti has also been taken away thus trying to stultify the right of proprieto ship. This will also reduce considerably the value of land. Th are many such clauses benefitting the intermediate tenants. Was tl legislation for the benefit of the cultivators? Sir, nowhere in the B has the cultivator been defined nor any provision has been made an where for the improvement of agriculture. We agreed to co-opera with Government if they really wanted to legislate for the good of t real tillers of the soil, but that offer was rejected.

Sir, there is another matter which should have been considere The volume of litigation had come down considerably and the rights all had been made clear. The question of right has again been raise and the result will be all-round litigation, and this will mean bene for no one, except people following the legal profession!

Sir, I may be allowed to say that the spirit, language and the impo of the provision are so clouded and vague that litigation will have to resorted to generally.

Mr. SPEAKER: Mr. Shamsuddin Ahmed, I hope you will fini your speech in five minutes.

Mr. M. SHAMSUDDIN AHMED: Sir, you have already given n notice to speak only for five minutes. I will speak only for thr minutes. I thank you, Sir, for the notice as well as for the patien that you have given througout the session for piloting the Bill. Tl Chief Minister has told us that not only one clear goal of Mr. Abd Bari was scored but 56 goals and offside goals of 123 in number. The is one thing to which I will draw the attention of the House and th is that I do not understand with my imperfect knowledge the expressic that was used when he said in reference to the appointment of tl Enquiry Committee with regard to the land tenure system of Beng that if Mr. Tamizuddin Khan is taken in, Mr. Abdul Bari will jum up and say he is more competent. I thought, probably that was tl reason why we should invite our European friends not only to be tl arbitrators of our destiny but to stay in this country for ever and fo ever. There is nothing like impartiality in my opinion in this countr but for impartiality we must go across the seas and there we will fin impartial men. With these few words I thank you for the time yo have given me.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, If I ris to-day at the fag end of the session, I do not propoes to inflict an speech upon the House particularly after the Leader of the Opposition

and the Leader of the House have spoken. Sir, the football game has been referred to several times by our friends on the other side. May I only say that the Congress has been playing the football for the last 55 years and playing in a sporting manner. We have played against the European friends, sometimes we have lost, somtimes we have gained and ultimately in the final game we have won not only for ourselves but for our country. If this constitution means anything, it is the trophy which has been won as such by the Congress for the country. We are prepared to play again and effiectively against any Government on the earth. In this connection I may remind my friend Mr. Abdul Bari who has on more than one occasion flung at the Congress this fact. He and myself come from the same district which is a matter of shame, namely, the district of Murshidabad. It was there that I and Mr. Abdul Bari conspired to lose our freedom and I would only appeal to him to combine and regain our freedom.

Mr. SPEAKER: Mr. Sanyal, that has nothing to do with the third reading.

Mr. SASANKA SEKHAR SANYAL: I was only answering him. Now coming to the Bill we faced the Bill with a feeling of uneasiness and disappointment—uneasiness not as a confident legislator but as a humble lawyer of a mufassal district. The hasty drafting of the Bill has led us only to many pitfalls and inconsistencies, for one new clause is inconsistent so much with an old clause that the courts may come to the decision never intended by this legislature. Serious disappointment because that the small reforms that have been introduced fall far short of the normal aspirations of this House. Sir, our Deputy Leader in an earlier stage described this Bill as dishonest and a piece of deceit. I cannot describe it in happier words. If there is any parallel, it is the Government of India Act itself. That Act hides more than it has given. Similarly this Tenancy Amendment Bill hides more than it has given and serves only as a stop-gap and a patchwork, it is absolutely full of treachery if I may say so.

For a prosperous peasantry, fixity of tenure, stability of rent, immunity from eviction and right of transfer are the essential ingredients. I submit, Sir, that so far as the fixity of tenure is concerned, the fact that there are different classes of tenants on the Statute Book is a matter of disgrace. If we go out to the fields, we find there that all cultivators are faced with common problems. They have got to tackle the same difficulty there irrespective of classification. Why should there be any artificial distinction on the Statute Book itself?

Then, Sir, coming to the question of the stability of rent, in this disgraceful legislation, clause 19 is a monument of disgrace. The Hon'ble Revenue Minister did not venture to expose section 30 to amendment, because he knows that if he touches that section the whole

section and the whole provision relating to enhancement would be repealed forthwith. Therefore instead of entering by the front door of Chapter V he has entered by the back door of Chapter VIII, and I will warn the House against the dire consequences that will follow from the interpretation of the law court. Sir, you will find that there is the question of enhancement on different grounds. One is the rise in the price of foodstuffs. I submit, Sir, there is no justice for increasing rent on that ground because the landlord is not liable to pay extra revenue, and if there is rise in the price of foodstuffs there is also corresponding rise in the price of the necessary commodities of life. The tenant has got to pay for them. I submit that it is patent that unless the happiness of the peasants is to be grudged the landlord has no justice, no justification for taxing the tenants by increased revenue. Then there is the question of improvement by the landlord. My friend Mr. Millar yesterday referred to improvements by the landlord and he warned against this legislation on the ground that landlord will never make any further improvement. I do not know whether he is aware of the conditions of our zemindars, but we know our zemindars. There are innumerable zemindars in our district who far from improving do not even assist in times of distress. I will cite only one instance and my friend the Hon'ble Maharaja of Kasimbar will bear me out. His zemindari at Kathlamari on the bank of the Padma is year after year washed away by floods on the eve of harvesting golden crops and may I inform the House, through you, Sir, and through the grace of the Maharaja that the only assistance that has been rendered is by sending out distress warrant by certificate procedure and entering into the hamlets of the tenantry and committing rape upon the kitchen utensils.

Maulvi ABUL HASHIM: I congratulate the Hon'ble Revenue Minister, Sir Bijoy, who has the unique privilege and honour of presenting the first Tenancy Legislation of the new Government before this Assembly for his successfully piloting this Bill through various difficulties arising out of the desire of the Coalition Party to do more and more good to the tenants, arising out of deliberately hostile criticism and wilful obstruction of our political enemies, arising out of fearful suspicion in the minds of the landed interest, arising out of misunderstanding of our intention by our European friends. Sir Bijoy comes to this Assembly as a representative of the landlords of Bengal and by accepting a portfolio in the present Government, particularly the portfolio of revenue, he has definitely shown his inclination and sympathy towards rural Bengal. It is very fortunate, Sir, that the task of adjusting the relationship between a landlord and a tenant has fallen on a person who at once represents the landlord in the Assembly and represnts the peasants in the Cabinet. In him we find the tenant and the landlord of Bengal sitting together in conference trying to solve the problems of the tenants and landlords in Bengal. Sir, Kumar Shib

Sekhareswar Roy only the other day said that this legislation would proclaim to the wide world that the Coalition Party which were responsible for this have no justice, equity and good conscience. In this connection I would just remind our esteemed friend this much that the very elementary principle of jurisprudence is that if you want justice you must show justice, equity and good conscience, and I can assure our landlord friends that this Government will do justice to the landlords if they in their turn do justice to the tenants of Bngal. Sir, we have been accused of riding roughshod over the interests of the landlords, but I would submit that we have not done so. We have simply tried in our humble way to do some justice to the tenants of Bengal. Sir Bijoy, who represents the landlords, by presenting this Bengal Tenancy Bill has, in the opinion of some of the landlords, betrayed his own constituency. I do not know, Sir, what the programme of the landlords is, but if that programme be one of injustice and oppression Sir Bijoy has and has very rightly betrayed his constituency. But if it is based on justice, Sir Bijoy has served his constituency well. Sir, I have no doubt that if Sir Bijoy stands firmly on his determination to follow the dictates of his greater self and refuses to take counsel from the whisperings of his smaller self, a time is very soon to come when he will be considered as the greatest son of Bengal.

Babu KSHETRA NATH SINGHA: Sir, before making any speech on behalf of our scheduled caste party, I would like to convey our grievances before the Hon'ble Revenue Minister. Sir, in this Bill our scheduled caste people have been neglected because, Sir, in making provision for the benefit of the under-raiyats the Hon'ble Minister has failed to give us a proper share which we wanted from Government. Sir, our community, I can say this much, is the greatest of all the under-raiyats. Their number is millions and they are all, almost all, of the under-raiyat class. Sir, this is the beginning of the battle for the freedom of the people. This is the battle against the aristocracy by the proletariat; this is the battle I should repeat it against the capitalists and wealthy by the proletariat down-trodden millions. My zemindar friends always complain that the middle-class people are the real blood-suckers, but I have to say this much to my friends that when they are in difficulty they should not accuse others for their difficulties. Our cultivators have for the last 200 years and our fathers and forefathers before them have suffered, and it was the distinguished people of Bengal who brought this misery to the poor people and now in their own difficulty are casting aspersions against other communities. They must take time by the forelock and the warning that further misery will come to them as a retribution for the miseries which they had caused to the down-trodden peasantry of Bengal. In making these remarks I can say this much that we have lived by the sweat of our brow and we are not parasites like the zemindars and if we are in difficulties we can surmount them. If the

time comes, we can take to the plough and show to our landed class that we are up to anything and we can accommodate ourselves to a circumstances in which we may be placed.

With these remarks I felicitate our Hon'ble Minister and would a my zemindar friends to look to him, who is one of them, and to reali how much he has sacrificed for the people of his country whom h friends have ever neglected. This must be some sort of ideal for tl other community to see how people at the cost of their altruistic fee ings and dogmatism of the present time are able to rise to the occasio With these remarks I resume my seat.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I shall begi by offering my sincerest thanks to my honourable friends for the felic tations they have offered on the successful piloting of this complicate measure. If the success is mine, it is as much their's, because witho their co-operation and help it would have been impossible for me t get through this Bill within a reasonable time.

Sir, I will also take this opportunity to express my gratitude t you for the help, guidance and courtesy that I have received from yo during the last few days in the course of this debate over this Bill. must also thank the Secretary and his Department whose co-operatio was really invaluable: without their help it would have been impossibl to manage the overwhelming number of amendments.

Sir, my feeling towards this Bill is one of satisfaction as well as t some extent of disappointment. It is a feeling of satisfaction becaus I hope that this measure will appeal to the tenants and will help i bringing about a better feeling and a better understanding between th landlords and the tenants. (Kumar SHIB SHEKHARESWAR ROY: Question.) My honourable friend the Kumar Sahib questions it, bu I submit that it is my hope and I only fervently pray that my hope will be realised. It is a feeling of disappointment because there are certain clauses in the Bill which are of expropriatory nature and infringe the valuable rights of the landlords and they do not meet with my approval in any way. In the Statement of Objects and Reasons as well as in my speech in requesting the House to take the measure into consideration and in the course of the debate, I repeatedly submitted that this Bill is by no means a comprehensive measure; it is merely an attempt to do away with some of the pressing grievances of the tenants, and an attempt to give them immediate relief with regard to those grievances.

The biggest anomaly in the system is that more than one set of raiyats enjoy the right of occupancy, viz., the raiyats as well as the under-raiyats. It frustrates the very object of granting the occupancy-right which is to give protection to the tillers of the soil. In order to do away with the anomaly, the co-occupancy-right of raiyats with the under-raiyats under them should be taken away. The House will

admit that this will be a very big change and it cannot be and should not be brought about without a comprehensive enquiry.

Then comes in the question of bargadars. What right should be given to the bargadars is also a burning problem. Now, in deciding this question, Government will have to take into consideration the effect of conferring an occupancy-right on the bargadar on the economic condition of the middle-class population of Bengal, a majority of whom get their lands cultivated under the barga system. That question cannot be solved without a comprehensive and thorough enquiry. The principal charge against the Bill was that it provided no relief to under-raiyat. I would draw the attention of the House to clause 8 of the Bill where it is distinctly laid down that the right of transfer and other rights as conferred on the occupancy-raiyat under Chapter V would apply with certain exceptions to all under-raiyats. I think that is a valuable concession. So it is not correct to say that no attempt has been made to remove some of the grievances of the occupancy under-raiyat. (Rai HARENDRA NATH CHAUDHURI: That already exists in the Act.) We have extended those rights to all such under-raiyats whether created before or after 1928.

Sir, the Hon'ble the Chief Minister has already replied to most of the criticisms that were levelled by the Leader of the Opposition, namely, that whatever was done in the interest of the under-raiyats was due to the attempt of his party. I join issue with him. This Bill was introduced, mainly with the purpose of giving relief to the raiyat and certainly, Sir, we did not wait for suggestions from the other side. (Hear: hear.)

Maulvi Tamizuddin Khan suggested that several other amendments of the Bengal Tenancy Act also on other points could be brought about without waiting for the report of the Enquiry Commission. I do not think that would be proper or justified, because the points which he would expect Government now to take up are naturally of a complicated nature and of a far-reaching consequence, and those amendments should not be taken up without a thorough and sifting enquiry for reasons I have already explained.

Sir, another criticism was that it was a hasty piece of legislation; hasty it was to some extent. But I do not think that it did in any way affect the merits of the Bill, because the main provisions of the Bill had been before the public for the last 10 years. So Government and the members of the House and the public outside were fully familiar with their consequence and implications.

As regards our decision not to refer this Bill to Select Committee, I would just like to point out that the Bengal Tenancy Act of 1928 was placed before the House after *three* Committees—there was first the Advisory Committee in 1922, then there was the Select Committee probably in 1926 and then there was another Committee and then the

Bill was drafted and placed before the Council. But I would reque members to look into the proceedings of 1928 and find out for themselve what the number of amendments on that Bill. I think probably th amendments were very voluminous. So there is no guarantee that th number of amendments would have been less or the measure woul have been in any way less complicated if this Bill were referred to Select Committee.

Now, Sir, I would now like to address a few words to my landlor friends. I can assure them that in my attempt to bring about a adjustment between the landlords and tenants, I have, while presentin the case for the tenants, did all that was humanly possible to presen the other side of the picture and to explain the difficulties of the land lords. (A VOICE: And you failed.) It is true that they have bee called upon to make some important sacrifices which are of far-reachin consequence. It is hoped that they will have a very salutary effect o the relationship between the tenants and the landlords; the tensio that exists between them should disappear at an early date; and that i the highest guarantee of the ultimate safety of the landlords if I ma use the expression.

The landlords should not be short-sighted. They should read th signs of the time and try to anticipate the situation. (Kumar SUR SHEKHARESWAR ROY: And follow your lead.) I cannot ask m honourable friend to follow my lead; I can sit at his feet and learn many things yet. I venture to make this suggestion to the represen tatives of landlords and I hope that the suggestion will be accepte in the spirit in which they are offered.

One valuable right that has been taken away from the landlord is the right of realisation of rent through certificate procedure, bu this should not mean that Government are prepared to encourage non payment or delay in payment of rent. The financial solvency of thi province depends on regular realisation of our revenues; and regula realisation of the revenues depends on regular realisation of rent by the landlords;—this fact cannot be overlooked by Government. I can give this assurance to my landlord friends that it will be the duty and policy of Government to see that rents are paid regularly by the tenants. I would take this opportunity of requesting the representa tives of the tenants that if they want concessions from the landlords it would be their duty to see that rent is paid regularly and without any difficulty.

As regards *abwabs*, I can give this assurance also that Government will see that this custom disappears before long. It will facilitate the realisation of rent and it will also contribute towards the establish ment of a better feeling between landlords and tenants which I value most.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, before you put the question, may I have just one minute of the time of the House to dispel a little of misunderstanding? I never thought that my speech was capable of being misinterpreted. Unfortunately, the Chief Minister has in fact misinterpreted it. As the Leader of the Opposition and as the Leader of the Congress Party in this House, I felt it was my duty to formally register my protest against the Bill at the third reading because it had completely ignored the rights and interests of the actual tillers of the soil. That is all I intended and meant when I said that I oppose the third reading of the Bill.

The question that the Bengal Tenancy (Amendment) Bill, 1937, as settled in the Assembly, be passed was then put and a division called by Mr. Ispahani——

Mr. DHIRENDRA NATH DATTA: Is it not hypocrisy on the part of a member of the Coalition Group to call a division——

Mr. SPEAKER: I would peremptorily ask you to withdraw the expression. You have absolutely no right to speak against any member and say that he is a hypocrite.

Mr. DHIRENDRA NATH DATTA: If that is your ruling, I withdraw.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. On one occasion I claimed a division from a different place and your ruling was that before claiming a division, the member should be at his proper place.

Mr. SPEAKER: I think you have misunderstood my ruling. All I said then was that when the division was called, I was naturally looking to you on my left and I could not anticipate that you were on the other side.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. My point of order is that in May's Parliamentary Practice the use of the word hypocrisy has been permitted as parliamentary. But as you have now decided that it should not be used in this House, I submit that that expression used by the Chief Minister should be expunged.

Mr. SPEAKER: You are dragging in the word hypocrisy not in the sense in which I have used it in my ruling. I am not concerned with the sense in which the Chief Minister might have used it or not, but I am not going to allow anybody to speak of hypocrisy with regard to a person or his conduct. A measure may be called hypocritical; a

group of persons may be called hypocritical; but I believe you realise the difference between a person being called a hypocrite and a measure hypocritical.

Mr. DHIRENDRA NATH DATTA: I never imputed a motive to the person concerned, but I meant that the group is hypocritical.

Mr. SPEAKER: I am sorry to say that you are still obstructing the proceedings of the meeting by saying so. You said that it was hypocrisy on the part of a member to call a division, because he belonged to the Coalition Party.

Then a division was called with the following result:—

AYES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafeez, Khan Bahadur Syed.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Waheed, Maulvi.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqui, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Fazal, Mr. Md.
Abul Hashim, Maulvi.
Abul Husain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Aftab Hasain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Dass, Babu Debendra Nath.
Emdadul Haque, Kazi.
Farhat Baco Khanam, Begum.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Faziur Rahman, Mr.
Faziur Rahman Muktear, Mr.
Goisuddin Ahmed, Mr.
Gaisuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hasan Ali Chowdhury, Mr. Syed.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Jonab Ali Majumdar, Maulvi.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Maniruzzaman Islamabadi, Maulana Md.
Meslam Ali Mollah, Maulvi.
Mezammel Huq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Shaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Murtaza Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.

Hoeruddin, Mr. K.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ramizuddin Ahmed, Mr.
Razaur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sirajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Waliur Rahman, Maulvi.
West, Mrs. Ellen.
Yusuf Ali Choudhury, Mr.

NOES.

Acharyya Chaudhury, Maharaja Sashi Kanta, of Muktagacha, Mymansingh.
Bonnerman, Mr. H. C.
Basu, Babu Jatindra Nath.
Brasher, Mr. F. C.
Chippendale, Mr. J. W.
Clarke, Mr. I. A.
Cooper, Mr. C. G.
Hammeter, Mr. E. C.
Griffiths, Mr. C.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Ispahani, Mr. M. A. H.
MacLauchlan, Mr. C. S.
Miles, Mr. C. W.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Nimmo, Mr. T. B.
Paul, Sir Hari Sanker, Kt.
Ross, Mr. J. B.
Roy, Kumar Shib Shekhareswar.
Roy, Rai Bahadur Kahired Chandra.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chondra.
Sirdar, Babu Litta Munda.
Staven, Mr. J. W. R.
Walker, Mr. J. R.
Wordsworth, Mr. W. C.

Dr. NALINKSHA SANYAL: Sir, may I rise to a point of order? Before you give your decision on this division, will you kindly let us know on which side Mr. Ispahani has voted because he called a division?

Mr. SPEAKER: The House is divided: for the motion 110 and against the motion 27. The motion is therefore carried.

The Bengal Maternity Benefit Bill, 1937.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to introduce a Bill to regulate the employment of women in factories for certain periods before and after child birth and to provide for the payment of maternity benefit to them.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: I also beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Begum Farhut Bano Khanam,
(2) Mrs. Hasina Murshed,
(3) Mrs. Hemáprova Majumdar,
(4) Mrs. Ellen West,
(5) Miss Mira Dutta Gupta,
(6) Mr. J. R. Walker,

(7) Mr. T. B. Nimmo,
(8) Mr. C. G. Cooper,
(9) Mr. Sibnath Banerjee,
(10) Mr. B. Mukherjee,
(11) Mr. A. M. A. Zaman,
(12) Mr. Monmohan Das,
(13) Babu Patiram Roy,
(14) Khan Sahib Maulvi S. Abdur Rauf,
(15) Dr. J. M. Das Gupta,
(16) Mr. Abdur Rahman Siddiqi,
(17) Dr. Gobinda Chandra Bhawmik,
(18) Mr. Debi Prosad Khaitan,
(19) Mr. Muhammad Solaiman,
(20) Mr. Amrita Lal Mandal, and
(21) the mover,

with instruction to submit their report as soon as possible and that t number of members necessary to constitute a quorum shall be five.

This Bill was published by the late Government and opinion w invited in respect of it. I have attempted in the draft Bill which put before the House to-day to assimilate the useful suggestions th were made thereon, and I have also put in certain new clauses whi have been taken from the recent amendment of the Bombay Act a certain clauses also relating to the restriction of dismissal of wom who are entitled to the benefit.

The Bill provides for the payment of maternity benefit before a after child birth to women who have been employed in a factor They will be entitled to get eight weeks' wages, provided that th have done no work within this period. The entire burden will fa upon the employer and it is indeed a good augury for the future of t relationship between the employers and the employees that this B has been supported by nearly all the employers. Now it is provide that a woman must have been employed for a period of not less tha nine months immediately preceding the date of her delivery before s can claim the benefit. Also that she will not be entitled to clai the benefit if she works for gain at any time during this period. T rate of benefit will either be her average daily earning, or annas 8 day, whichever is greater. This, I believe, is an improvement on t Acts in the other provinces, and I trust an improvement upon t previous draft. Further, she will be entitled to the benefit for t period of her actual absence and she will get her wages even for no working days. The woman is given her choice as to the various way

in which she may like to receive the maternity benefit. As regards the proof of birth of the infant, we have tried to simplify the proof as much as possible and as we consider that an extract from birth register is not always feasible, we have permitted that a certificate from a medical practitioner who will be nominated by the employer and will be approved by the Government will be sufficient. In those factories which appoint their doctors this ought not to be difficult, and with an increase in providing medical facilities for workers which I am contemplating at present, this matter will become still easier. The benefit will not cease with the death of the woman but the benefit will go either to her child or to her legal representative.

In order to safeguard the possibility of avoiding the benefit by a wrongful dismissal, we have provided that the woman shall not be dismissed during the period of her absence nor dismissed without sufficient cause within a period of three months before her delivery. As to what will constitute a sufficient cause will be decided by the Inspector of Factories. As we insist that the woman should not work for at least one month after her delivery, there is a penalty for the contravention of the Act both as against the employer and against the woman. It is my painful duty to have to state that there are employers in the provinces where this Act has been brought into force who have got rid of their female labour in order not to pay the benefits under the Maternity Bill. It is clear that the remuneration which women get in the factories forms a very welcome addition to the family income, and we can only trust to the good sense of the employers of the province of Bengal that they will not try to evade the responsibility under the Act by dismissing their female labour.

I commend my motion to the acceptance of the House, Sir.

Mr. SYED HASAN ALI CHOWDHURY: Sir, may I have your permission to move the motion standing in the name of Mr. Hashemy?

Mr. SPEAKER: I am sorry I cannot allow you to do that. If Mr. Hashemy had requested me or explained to me why he was unable to be present to move his motion, I would certainly have allowed you to do so. This is the principle I have adopted throughout this session and I am sorry I am unable to accede to your request.

Dr. Nalinaksha Sanyal rose to speak.

Mr. SPEAKER: I hope, Dr. Sanyal, you will have pity for all of us at this stage

Dr. NALINAKSHA SANYAL: Sir, I fully realise that at this fag end of a very strenuous session and particularly towards the end of a somewhat heated debate, it is not fair on my part to inflict any

speech at all, far less a long speech on the hon'ble members of t House. But, Sir, I feel it my duty all the same to acquaint this Ho with the fact that this Bill has been hanging fire for a pretty lo time and how, in spite of repeated requests, Government had not s their way to be in a position to introduce such a salutary measure the relief of a very important section of factory labour. I oppose t motion not because I am opposed to the principles of the Bill because I want to say that the Maternity Benefit Bill should be pas into law as early as possible without any further avoidable delay. might in this connection draw the attention of the House to the Sta ment of Objects and Reasons towards the end of the circulated I where members will find that legislation on these lines was reco mended by the Whitley Commission as early as 1929 and it was at t time that the Whitley Commission laid down that the time was ri for the introduction of legislation of that nature throughout Ind Since then, Sir, eight long years have elapsed. In 1932-33 Gove ment examined the Central Provinces and the Bombay Acts. T entire cost of the benefit is proposed to be borne by the employers a the employers have most gladly accepted this additional charge their ordinary expenses. This Bill was drafted in 1935 and it w circulated for eliciting public opinion, particularly the opinion of th who were most likely to be affected thereby, viz., the members of t various Chambers of Commerce and the industrial houses. Arising o of this, Sir, the present enactment is proposed. The Hon'ble Minist in charge has himself explained how very necessary this Bill is a he has also improved upon the provisions of the Bombay Act and t other Acts. I submit that in view of this, my hon'ble friends of t Coalition Group who have been so solicitous of the tenants of Beng will not deny the unfortunate women labour in industrial factories Bengal that patronage and that quick appreciation of their difficulti which they were so solicitous about, in the case of the tenants in rur areas. I, therefore, oppose this motion for reference of the Bill to select committee. I would have very much welcomed the propos that this Bill be taken into consideration at once, but, Sir, under t rules as at present drafted, unfortunately, I could not move an amen ment that way and I cannot—unless the Hon'ble Minister in charg himself moves it—I cannot request the House to proceed with th consideration of the Bill straightway. That has been, Sir, my tech nical difficulty, for which I have to oppose the motion as it is now I have yet another reason, a reason which I have consistently state before the House, that whenever we have to refer a matter to a selec committee we must look to the finances of the province and to the con venience of the members and we should have, as far as possible, as fe members as necessary—just sufficient to bring their expert opinio to bear on the Bill with a view to improve it. I find here a list—a lon list of 21 members—proposed to form the select committee. I submi

most humbly, without the least disrespect to any members whose names appear in that list that a Bill of this nature which is quite non-contentious and which has been practically admitted to be necessary by the employers and the employees could have been disposed of by a very small committee of five or at most of ten members, sitting for two hours only on a day, and if you could, Sir, sit for one or two days more we could have the privilege of enacting this Bill straightaway in this session. (Mr. ABDUL LATIF BISWAS: Impossible in this session.) I do not know if my friend Mr. Abdul Latif Biswas feels as keenly for the workers in the town areas as he feels or at least pretends to feel for the tenants in the rural areas. If taht had been so, he would have, far from obstructing me in the process of my speech, certainly given me unequivocal support in my object. I would, therefore, appeal to the Hon'ble Minister who has in his heart the welfare of labour above everything else, I would appeal to him to take up this matter at once so that the period of our labour may be shortened. This long labour may, I am afraid, unfortunately bear a still-born baby ultimately—that is the whole difficulty. This long period of nine years may be cut short and the Hon'ble Minister may be pleased to take up this matter to-day or to-morrow at the latest. With this submission I oppose the motion before the House just now.

Mr. J. R. WALKER: Mr. Speaker, Sir, I have listened with great interest to what Mr. Nalinaksha Sanyal has said about this Bill. For many years past now the members of the Indian Jute Mills Association have paid maternity benefits to their women workers. Even before the Whitley Commission visited India many members of the Indian Jute Mills Association were paying maternity benefits to their women workers, and because of this, the members of the Indian Jute Mills Association as well as the members of this Group support the principles of this Bill. That does not mean, Sir, that we have no criticisms to make, we have criticisms to make, but I can assure the Hon'ble Minister that such criticisms will be of a constructive and not of a destructive character, and designed to make it easier for the women to obtain the benefits they are entitled to under the Act.

As I have already said both the members of the Indian Jute Mills Association and the members of this Group are in sympathy with this Bill and they will not shirk their responsibilities when the time comes to work the Act.

My friend Dr. Sanyal wishes to decrease the number of the members of the Select Committee but I am sure that he would not wish to delete the names of the lady members of this House whose names are included in the names of those selected. I am sure the help of the lady members will be invaluable in considering a Bill of this nature. I think the Hon'ble Minister has selected the members for the Select Committee

after careful consideration and I am sure the personnel does not call for any change.

With these brief remarks, I support the motion of the Hon'ble Minister.

Maulvi ABDUL LATIF BISWAS: Sir, the question may now be put.

Mr. SPEAKER: The question before the House is that the question be now put.

The motion was put and agreed to.

Dr. NALINAKSHA SANYAL: About putting of a question before the House, the members have nothing to do. It is entirely your privilege.

Mr. SPEAKER: When I put the question it may be assumed that I accepted the suggestion to put the question.

The motion of the Hon'ble Mr. H. S. Suhrawardy was then put and agreed to.

Prorogation.

Mr. SPEAKER: I have it in command from His Excellency the Governor that this Assembly stands prorogued.

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Improvement of Damkuni Canal: (Q.) p. 1996.

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Insufficient number of water passes by eastern side of the railway line from Comilla to Akhaura: (Q.) p. 1914.

Iron bridge over the River Halda at Sharta Ghat on the Chittagong Hill Tract Road. (Q.) p. 1687.

Kangso (river) in Mymensingh: (Q.) p. 1688.

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Over flow of water in the Salta thana, 24-Parganas: (Q.) p. 2068.

Paucity of Muslims in the Communications and Works Department: (Q.) p. 2265.

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Platform at Serajgunge Bazar station: (Q.) p. 1684.

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Road Development Projects of Rajshahi: (Q.) pp. 1861-1862.

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